

## Authorised Version No. 149

# Land Act 1958

No. 6284 of 1958

Authorised Version incorporating amendments as at  
1 September 2022

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**Authorised Version No. 149**

**Land Act 1958**

**No. 6284 of 1958**

Authorised Version incorporating amendments as at  
1 September 2022

An Act to consolidate the Law relating to the Sale and  
Occupation of Crown Lands

**BE IT ENACTED** by the Queen's Most Excellent Majesty by  
and with the advice and consent of the Legislative Council  
and the Legislative Assembly of Victoria in this present  
Parliament assembled and by the authority of the same as  
follows (that is to say):

**1 Short title and commencement**

This Act may be cited as the **Land Act 1958**, and  
shall come into operation on a day to be fixed by  
proclamation of the Governor in Council  
published in the Government Gazette.

S. 1  
amended by  
Nos 6521 s. 2,  
6746 s. 2, 6794  
s. 2, 7548  
s. 2(a)(i)(ii),  
7783 s. 6, 8181  
s. 2(1)(Sch.  
item 89), 8304  
s. 4, 8652  
s. 5(2), 8763  
ss 2(3), 4(2),  
9019  
s. 2(1)(Sch.  
item 98), 9059  
s. 2(1)(Sch.  
item 24), 9183  
s. 10(a)(i)–  
(iii)(b)(c), 9212  
s. 2(2), 9380  
s. 3(1)(a), 9427  
s. 6(1)(Sch. 5  
item 74), 9812  
s. 7(1)(g),  
10011  
s. 4(a)–(c),  
10087  
s. 3(1)(Sch. 1  
item 120),  
41/1987  
s. 103(Sch. 4  
item 39.1).

S. 2  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(a)), 7849  
s. 3(4)(a), 8461  
s. 2, 9212  
s. 2(1),  
81/1989  
s. 3(Sch.  
item 25.1),  
92/1990  
s. 128(Sch. 1  
item 13.1),  
63/2006  
s. 61(Sch.  
item 19),  
repealed by  
No. 40/2020  
s. 35.

S. 2A  
inserted by  
No. 41/1987  
s. 103(Sch. 4  
item 39.2).

S. 2A def. of  
*appointed  
land*  
inserted by  
No. 62/2010  
s. 121(1).

S. 2A def. of  
*authorised  
officer*  
substituted by  
No. 68/2016  
s. 167,  
amended by  
No. 40/2019  
s. 102.

\* \* \* \* \*

## 2A Definitions

In this Act, unless inconsistent with the context or subject-matter—

*appointed land*, in relation to a Traditional Owner Land Management Board, has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

*authorised officer* means a person appointed as an authorised officer for the purposes of this Act under—

- (a) Part 9 of the **Conservation, Forests and Lands Act 1987**; or
- (b) Part 3 of the **Victorian Fisheries Authority Act 2016**; or
- (c) Part 3 of the **Game Management Authority Act 2014**;

\* \* \* \* \*

S. 2A def. of  
*Central Plan  
Office*  
inserted by  
No. 51/2016  
s. 16,  
repealed by  
No. 53/2017  
s. 79.

*Department* has the same meaning as in the  
**Conservation, Forests and Lands  
Act 1987;**

\* \* \* \* \*

S. 2A def. of  
*Director-  
General*  
repealed by  
No. 76/1998  
s. 11(a)(i).

*Great Ocean Road coast and parks* has the same  
meaning as in section 3 of the **Great Ocean  
Road and Environs Protection Act 2020;**

S. 2A def. of  
*Great Ocean  
Road coast  
and parks*  
inserted by  
No. 42/2021  
s. 85(1).

*Great Ocean Road Coast and Parks Authority*  
means the Great Ocean Road Coast and  
Parks Authority established under Part 5 of  
the **Great Ocean Road and Environs  
Protection Act 2020;**

S. 2A def. of  
*Great Ocean  
Road Coast  
and Parks  
Authority*  
inserted by  
No. 42/2021  
s. 85(1).

*joint management plan* has the same meaning as  
in the **Conservation, Forests and Lands  
Act 1987;**

S. 2A def. of  
*joint  
management  
plan*  
inserted by  
No. 62/2010  
s. 121(1).

*land manager* means—

- (a) for Parks Victoria recorded land, Parks  
Victoria; or

S. 2A def. of  
*land manager*  
inserted by  
No. 42/2021  
s. 85(1).

- (b) for land controlled and managed by the Great Ocean Road Coast and Parks Authority under section 62Q of the **Great Ocean Road and Environs Protection Act 2020**, the Great Ocean Road Coast and Parks Authority; or
- (c) for all other land, the Secretary;

S. 2A def. of *licensed water frontage* inserted by No. 40/2020 s. 35A(a).

*licensed water frontage* means water frontage which is under a licence under Division 8 of Part I or section 138;

S. 2A def. of *municipal council* inserted by No. 40/2020 s. 35A(a).

*municipal council* has the same meaning as *Council* has in the **Local Government Act 2020**;

S. 2A def. of *Parks Victoria* inserted by No. 40/2020 s. 35A(a).

*Parks Victoria* has the same meaning as in the **Parks Victoria Act 2018**;

S. 2A def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 92.1).

*police officer* has the same meaning as in the **Victoria Police Act 2013**;

S. 2A def. of *regulated watercourse land* inserted by No. 40/2020 s. 35A(a), amended by No. 42/2021 s. 85(2).

*regulated watercourse land* means Crown land within 200 metres of the bank of a watercourse within the meaning of Part XII which is not any one or more of the following—

- (a) under a lease or a residence area right;
- (b) vested in trustees or in a municipal council;

- (c) placed under the control of a public authority other than the Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority;
- (d) land in respect of which a committee of management has been appointed under the **Crown Land (Reserves) Act 1978**;
- Secretary** means the body corporate established by Part 2 of the **Conservation, Forests and Lands Act 1987**;
- tour operator licence** means a licence granted under section 140I;
- Traditional Owner Land Management Board** has the same meaning as in the **Conservation, Forests and Lands Act 1987**;
- water frontage** means Crown land (including land temporarily or permanently reserved)—
- (a) which has a frontage to the sea or a watercourse within the meaning of Part XII; and
- (b) which is not under a lease, licence or residence area right; and

S. 2A def. of **Secretary** inserted by No. 76/1998 s. 11(a)(ii).

S. 2A def. of **tour operator licence** inserted by No. 40/2009 s. 25, amended by No. 43/2012 s. 3(Sch. item 25.1(a)).

S. 2A def. of **Traditional Owner Land Management Board** inserted by No. 62/2010 s. 121(1), amended by Nos 43/2012 s. 3(Sch. item 25.1(b)), 40/2020 s. 35A(b).

S. 2A def. of **water frontage** inserted by No. 40/2020 s. 35A(a), amended by No. 42/2021 s. 85(3).

- (c) which is not reserved as a water reserve along any public road under the **Crown Land (Reserves) Act 1978**; and
- (d) which is not—
  - (i) vested in trustees or in a municipal council; or
  - (ii) placed under the control of a public authority other than Parks Victoria or the Great Ocean Road Coast and Parks Authority; or
  - (iii) land in respect of which a committee of management has been appointed under the **Crown Land (Reserves) Act 1978**.

S. 2B  
inserted by  
No. 67/2016  
s. 32.

## **2B Traditional owner agreement for natural resources**

If a traditional owner group entity has an agreement under Part 6 of the **Traditional Owner Settlement Act 2010**, any provision of this Act that provides for an offence for carrying out an agreed activity (other than section 409) does not apply to a member of the traditional owner group—

- (a) who is bound by the agreement; and
- (b) who is carrying out an agreed activity to which the offence applies in accordance with the agreement and on land to which the agreement applies.

## Part I—Crown lands generally

### Introductory

#### 3 Definitions

Nos 3709 s. 3,  
4095 s. 2.  
S. 3  
amended by  
No. 27/2001  
s. 3(Sch. 1  
item 4.2) (ILA  
s. 39B(1)).

- (1) In this Part unless inconsistent with the context or subject-matter—

*accepted recommendation* means—

S. 3(1) def. of  
*accepted  
recommen-  
dation*  
inserted by  
No. 19/2018  
s. 136.

- (a) in relation to a report under section 23 or 26E of the **Victorian Environmental Assessment Council Act 2001**—
- (i) the most recent Government response to the report published under section 25(4) or 26G(4) of that Act (if any); or
- (ii) if such a Government response has been amended by an amendment published under section 26(5) or 26H(5) of that Act, that most recent response as amended; or
- (b) if there is no response to which paragraph (a)(i) or (ii) applies, the most recent (if any) relevant recommendation of the Land Conservation Council under section 5(1) of the **Land Conservation Act 1970** (as in force immediately before its repeal) applying to the land, of which notice has been given by

Land Act 1958  
No. 6284 of 1958  
Part I—Crown lands generally

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the Governor in Council under  
section 10(3) of that Act (as so in  
force);

S. 3(1) def. of  
*agricultural  
allotment*  
repealed by  
No. 96/1994  
s. 17.

\* \* \* \* \*

S. 3(1) def. of  
*agriculture*  
inserted by  
No. 96/1994  
s. 3(a).

*agriculture* includes horticulture and grazing;

S. 3(1) def. of  
*bee site  
licence*  
inserted by  
No. 12/2016  
s. 14.

*bee site licence* means a licence granted under  
section 142(1) for the purpose of keeping  
hives or farming bees;

S. 3(1) def. of  
*bee site  
licence area*  
inserted by  
No. 12/2016  
s. 14.

*bee site licence area* means the area of land over  
which a bee site licence is granted;

S. 3(1) def. of  
*bee site  
licence fee*  
inserted by  
No. 12/2016  
s. 14.

*bee site licence fee* means the fee for the grant of  
a bee site licence determined by the Minister  
in accordance with section 144;

S. 3(1) def. of  
*bee site  
licensee*  
inserted by  
No. 12/2016  
s. 14.

*bee site licensee* means a person who holds a  
current bee site licence;

S. 3(1) def. of  
*Board*  
repealed by  
No. 7228  
s. 7(Sch. 4  
Pt 19(b)(i)).

\* \* \* \* \*

**cattle** in Divisions eight and fourteen of this Part includes bulls cows oxen heifers steers calves horses mares geldings colts and fillies;

**cattle** in Divisions twelve and thirteen of this Part includes bulls cows oxen heifers steers calves horses mares geldings colts fillies asses mules sheep and goats;

**country lands** means any lands not situate within any city town or borough;

**cultivate** includes planting cereal or root crops planting an orchard vineyard nursery shrubbery or wattles or other trees or laying down land with artificial grasses;

**domestic partner** of a person means—

- (a) a person who is in a registered domestic relationship with the person; or
- (b) a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

S. 3(1) def. of **domestic partner** inserted by No. 27/2001 s. 3(Sch. 1 item 4.1), substituted by No. 12/2008 s. 73(1)(Sch. 1 item 33.1), amended by No. 4/2009 s. 37(Sch. 1 item 15.1).

\* \* \* \* \*

S. 3(1) def. of **fence** substituted by No. 7733 s. 34, amended by Nos 8461 s. 3(a), 81/1989 s. 3(Sch. item 25.2), repealed by No. 40/2020 s. 36(a).

S. 3(1) def of  
*film friendly  
principles*  
inserted by  
No. 51/2014  
s. 9(Sch. 2  
item 6.1).

*film friendly principles* has the same meaning as  
in the **Filming Approval Act 2014**;

S. 3(1) def of  
*film permit*  
inserted by  
No. 51/2014  
s. 9(Sch. 2  
item 6.1).

*film permit* has the same meaning as in the  
**Filming Approval Act 2014**;

S. 3(1) def. of  
*forest  
produce*  
inserted by  
No. 96/1994  
s. 3(b),  
amended by  
No. 48/2004  
s. 135.

*forest produce* means forest produce within the  
meaning of the **Forests Act 1958**;

S. 3(1) def. of  
*grazing  
allotment*  
repealed by  
No. 96/1994  
s. 17.

\* \* \* \* \*

S. 3(1) def. of  
*Land  
Classification  
Board*  
repealed by  
No. 96/1994  
s. 17.

\* \* \* \* \*

S. 3(1) def. of  
*land manager*  
inserted by  
No. 19/2018  
s. 136,  
repealed by  
No. 42/2021  
s. 86.

\* \* \* \* \*

*metropolis* means the waterway management district of Melbourne Water Corporation under the **Water Act 1989**;

S. 3(1) def. of *metropolis* substituted by No. 85/2006 s. 173(Sch. 1 item 2.3).

\* \* \* \* \*

S. 3(1) def. of *Minister* inserted by No. 7228 s. 7(Sch. 4 Pt 19(b)(ii)), amended by No. 10087 s. 3(1)(Sch. 1 item 121), repealed by No. 46/1998 s. 7(Sch. 1).

*noxious weed* has the same meaning as in the **Catchment and Land Protection Act 1994**;

S. 3(1) def. of *noxious weed* inserted by No. 52/1994 s. 97(Sch. 3 item 16.1).

*occupy* in Division four of this Part means except where otherwise expressly provided residence by a selection purchase lessee in his own proper person on or within nine kilometres of his allotment;

S. 3(1) def. of *occupy* amended by No. 8461 s. 3(b).

\* \* \* \* \*

S. 3(1) def. of *Parks Victoria* inserted by No. 19/2018 s. 136, repealed by No. 40/2020 s. 36(a).

*Parks Victoria recorded land* has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

S. 3(1) def. of *Parks Victoria recorded land* inserted by No. 19/2018 s. 136.

**Part** means Part of this Act;

S. 3(1) def. of *perpetual lessee* amended by Nos 9019 s. 2(1)(Sch. item 99), 30/2014 s. 14(a).

**perpetual lessee** includes any transferee assignee and representative of a perpetual lessee and any person to whom the interest of a perpetual lessee comes by operation of law and shall be deemed to be included in the terms *owner* and *proprietor* in every Act where such terms refer to lands;

S. 3(1) def. of *pest animal* inserted by No. 52/1994 s. 97(Sch. 3 item 16.1).

**pest animal** means a pest animal under the **Catchment and Land Protection Act 1994**;

S. 3(1) def. of *protected forest* inserted by No. 96/1994 s. 3(c).

**protected forest** means protected forest within the meaning of the **Forests Act 1958**;

S. 3(1) def. of *regulations* substituted by No. 7548 s. 8(2)(b).

**regulations** means regulations made under this Act;

S. 3(1) def. of *road* inserted by No. 96/1994 s. 3(d), amended by No. 51/2016 s. 17.

**road** includes—

- (a) a street; and
- (b) Crown land delineated or shown as a road in any original map or plan in the Central Plan Office in accordance with which Crown land has or may have been sold, leased or licensed, or become subject to a residence area right, excluding formed or metalled roads constructed or maintained by a municipal council; and
- (c) Crown land proclaimed to be a road under section 25(3)(c) or under a corresponding previous enactment or

under any other Act relating to Crown lands; and

- (d) Crown land which has or may have been reserved as a road under the **Crown Land (Reserves) Act 1978** and the reservation published in the Government Gazette—

but does not include any road or street on land alienated in fee simple by the Crown;

***selector under any previous Land Act or Acts***

means any person who has selected Crown lands under Part II of **The Land Act 1862** or who has become a lessee of any Crown lands under Part II of **The Amending Land Act 1865** or who is or has been a licensee under Part II of **The Land Act 1869** or who has selected land under Part I of the **Land Act 1915** or any amendment thereof or any corresponding previous enactment;

***spouse*** of a person means a person to whom the person is married;

S. 3(1) def. of *spouse* inserted by No. 27/2001 s. 3(Sch. 1 item 4.1).

***stratum of Crown land*** means a part of Crown land consisting of a space of any shape below, on or above the surface of the land or partly below and partly above the surface of the land, all the dimensions of which are limited;

S. 3(1) def. of *stratum of Crown land* inserted by No. 79/1993 s. 4.

***substantial and permanent improvements***

includes dams wells cultivation fencing clearing or draining of a selection purchase allotment and the erecting of a habitable dwelling or farm or other buildings upon and permanently attached to the soil;

***traveller*** means a person travelling with cattle as defined for the purposes of Division twelve or sheep for the bona fide purpose of taking the said cattle or sheep to and leaving them at a market or some other appointed place, but it does not mean any person travelling or who appears or who is deemed hereunder to be travelling with cattle or sheep for the purpose of depasturing the same upon or on either side of any road or track commonly used as a thoroughfare or leading to any auriferous Crown lands on which persons are actually engaged in mining for gold or upon any common, and the burden of proving such bona fide purpose aforesaid and of disproving such purpose of depasturing aforesaid shall in all criminal and civil proceedings whatsoever lie upon the person so travelling with cattle or sheep or upon the party who is interested in proving that such person was a "traveller" within the meaning of this Part;

S. 3(1) def. of *unused road* inserted by No. 96/1994 s. 3(e). amended by No. 40/2020 s. 36(b).

***unused road*** means a road or any part of a road which is the subject of a notice under section 400(1).

S. 3(1) def. of *vermin* repealed by No. 52/1994 s. 97(Sch. 3 item 16.2).

\* \* \* \* \*

\* \* \* \* \*

S. 3(1) def. of *water frontage* inserted by No. 96/1994 s. 3(f), repealed by No. 40/2020 s. 36(a).

(2) For the purposes of the definition of *domestic partner* in subsection (1)—

S. 3(2) inserted by No. 27/2001 s. 3(Sch. 1 item 4.2), substituted by No. 12/2008 s. 73(1)(Sch. 1 item 33.2).

(a) *registered domestic relationship* has the same meaning as in the **Relationships Act 2008**; and

S. 3(2)(a) amended by No. 4/2009 s. 37(Sch. 1 item 15.2(a)).

(b) in determining whether persons who are not in a registered domestic relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case.

S. 3(2)(b) amended by No. 4/2009 s. 37(Sch. 1 item 15.2(b)).

**Note**

Land under this Act may be the subject of a land use activity agreement within the meaning of Part 4 of the **Traditional Owner Settlement Act 2010**.

Note to s. 3 inserted by No. 62/2010 s. 121(2).

**3A Application of Road Management Act 2004**

S. 3A inserted by No. 12/2004 s. 160.

(1) A road under this Act (other than a road to which section 400 applies) is a road for the purposes of the **Road Management Act 2004** but is a public road for the purposes of that Act only if the road is a public road within the meaning it has in section 3(1) of the **Road Management Act 2004**.

(2) The relevant road authority for the purposes of the **Road Management Act 2004** is, subject to any regulations for the purpose of section 37(1)(c) of the **Road Management Act 2004**—

(a) the person or body nominated for the purposes of this section in a notice published in the Government Gazette by the Minister administering this Act; or

(b) if no notice is published, the Secretary.

S. 3A(2)(b)  
amended by  
No. 51/2016  
s. 18.

(3) Nothing in the **Road Management Act 2004** is to be construed as requiring that a road which is specified to be an unused road under section 400 must be opened to the public or maintained.

S. 3B  
inserted by  
No. 6/2010  
s. 25(5)(Sch. 2  
item 5) (as  
amended by  
No. 45/2010  
s. 6).

### 3B Transport Integration Act 2010

This Act is interface legislation within the meaning of the **Transport Integration Act 2010**.

S. 4  
amended by  
No. 7548  
s. 2(b),  
substituted by  
No. 96/1994  
s. 4,  
repealed by  
No. 40/2020  
s. 37.

\* \* \* \* \*

S. 4A  
inserted by  
No. 10011 s. 5.

### 4A Minister may purchase lands

(1) The Minister may purchase by agreement for and on behalf of Her Majesty any land—

(a) which is attached to land purchased by the Minister pursuant to section 5(1) of the **Crown Land (Reserves) Act 1978**; or

(b) which is wholly or partly surrounded by Crown land and would in the Minister's opinion, be best dealt with in conjunction with that Crown land.

(2) The Minister may purchase land under subsection (1) subject to the condition that the vendor may continue to occupy the land for the vendor's lifetime or any period agreed to by the Minister.

S. 4A(2)  
amended by  
No. 10087  
s. 3(1)(Sch. 1  
item 122).

(3) Any land purchased pursuant to this section shall be surrendered and transferred or conveyed to Her Majesty and shall thereupon be unalienated land of the Crown freed and discharged from all trusts, encumbrances, limitations and restrictions whatsoever and from every estate or interest therein.

**4B Management agreements with Traditional Owner Land Management Boards**

S. 4B  
inserted by  
No. 82/2009  
s. 40,  
amended by  
No. 62/2010  
s. 122,  
substituted by  
No. 19/2018  
s. 137.

(1) The Secretary may enter into a management agreement with a Traditional Owner Land Management Board for or relating to—

- (a) the management of any unreserved Crown land under this Act that is appointed land of that Board; or
- (b) the carrying out of specified functions, powers or duties in relation to the management of any unreserved Crown land under this Act that is appointed land of that Board.

(2) The Secretary must consult with Parks Victoria before entering into a management agreement under subsection (1) in relation to Parks Victoria recorded land.

(2A) The Secretary must consult with the Great Ocean Road Coast and Parks Authority before entering into a management agreement under subsection (1) in relation to land controlled and

S. 4B(2A)  
inserted by  
No. 42/2021  
s. 87(1).

managed by the Great Ocean Road Coast and Parks Authority.

(3) In entering into a management agreement under subsection (1), the Secretary must have regard to any agreement entered into under Division 5 of Part 8A of the **Conservation, Forests and Lands Act 1987** in relation to the land.

(4) If an agreement under subsection (1)—

- (a) provides for a Traditional Owner Land Management Board to manage any unreserved Crown land under this Act that would otherwise be managed by Parks Victoria under this Act or any other enactment, Parks Victoria does not have power to manage that land, to the extent of the agreement; or
- (b) provides for a Traditional Owner Land Management Board to carry out any function, power or duty in relation to any unreserved Crown land under this Act that would otherwise be carried out by Parks Victoria, Parks Victoria does not have power to carry out that function, power or duty, to the extent of the agreement.

(4A) If an agreement under subsection (1)—

- (a) provides for a Traditional Owner Land Management Board to manage any land that is unreserved Crown land and that would otherwise be controlled and managed by the Great Ocean Road Coast and Parks Authority under this Act or any other enactment, the Great Ocean Road Coast and Parks Authority does not have power to manage that land, to the extent of the agreement; or

S. 4B(4A)  
inserted by  
No. 42/2021  
s. 87(2).

(b) provides for a Traditional Owner Land Management Board to carry out any function, power or duty in relation to any land that is unreserved Crown land and that would otherwise be carried out by the Great Ocean Road Coast and Parks Authority, the Great Ocean Road Coast and Parks Authority does not have power to carry out that function, power or duty, to the extent of the agreement.

(5) Subsections (4) and (4A) have effect despite any provision of this Act or any other enactment to the contrary.

S. 4B(5)  
amended by  
No. 42/2021  
s. 87(3).

#### **4C Land to be managed consistently with joint management plan**

S. 4C  
inserted by  
No. 62/2010  
s. 123.

If any appointed land of a Traditional Owner Land Management Board constitutes land managed under this Act, the person responsible for the management of that appointed land under this Act must ensure that the land is managed in a way that is not inconsistent with any joint management plan for the land.

#### **5 Filming Approval Act 2014**

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**.

New s. 5  
inserted by  
No. 51/2014  
s. 9(Sch. 2  
item 6.2).

\* \* \* \* \*

Pt 1 Div. 1  
(Heading and  
ss 5–11)  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(c)), 7548  
s. 8(2)(a),  
10087  
s. 3(1)(Sch. 1  
item 123),  
repealed by  
No. 96/1994  
s. 18.

## Division 2—Grants and reservations

### 12 Governor in Council or Minister may convey land under this Part

Nos 3709  
s. 12, 5029  
s. 2, 5426 s. 2.

- (1) Under and subject to the provisions of this Part but not otherwise, the Governor in Council or the Minister in the name and on behalf of Her Majesty may grant convey or otherwise dispose of lands for the time being belonging to the Crown for such estate or interest as in each case is hereby authorized and for none other.

S. 12(2)  
amended by  
No. 6505 s. 2,  
repealed by  
No. 8763  
s. 2(2).

\* \* \* \* \*

S. 12(3)  
amended by  
Nos 6860  
s. 2(1)(b), 7228  
s. 7(Sch. 4  
Pt 19(d)),  
repealed by  
No. 8763  
s. 2(2).

\* \* \* \* \*

S. 12(4)  
inserted by  
No. 6860  
s. 2(1)(c),  
repealed by  
No. 8763  
s. 2(2).

\* \* \* \* \*

S. 12A  
inserted by  
No. 10011 s. 6.

### 12A Exchange of Crown land

- (1) If it appears to the Minister at any time that—
- (a) land is required for a public purpose and should be reserved under section 4 of the **Crown Land (Reserves) Act 1978**;

- (b) the acquisition of land would enhance the public use and enjoyment of Crown land reserved under section 4 of the **Crown Land (Reserves) Act 1978**; or
- (c) the acquisition of land would rationalize the boundaries between any private land and any land reserved under section 4 of the **Crown Land (Reserves) Act 1978**—

the Minister may enter into an agreement with the owner of the land sought to be acquired to exchange that land for any Crown land where the Crown land is not land permanently reserved for a public purpose under the **Crown Land (Reserves) Act 1978**.

- (2) Where the Minister enters into an agreement under subsection (1) he may also agree, where the value of the Crown land is not equal to the value of the land for which it is exchanged, to pay to or receive from the owner (as the case requires) an amount of money equal to that difference and may pay or receive such an amount in accordance with the agreement.
- (3) The Governor in Council shall grant, in accordance with the terms of an agreement made under subsection (1), the Crown land referred to in the agreement to the person to whom it is agreed under the agreement that the Crown land should be granted.
- (4) Land which is agreed upon in an agreement made under subsection (1) as land which is to revert to the Crown shall on surrender and transfer or conveyance to Her Majesty become and be unalienated land of the Crown freed and discharged from all trusts, encumbrances, limitations and restrictions whatsoever and from every estate or interest therein.

S. 12A(2)  
amended by  
No. 10087  
s. 3(1)(Sch. 1  
item 124).

S. 12A(5)  
amended by  
No. 10087  
s. 3(1)(Sch. 1  
item 124).

- (5) The Minister shall, not less than 14 days before entering into an agreement under subsection (1) publish, in the Government Gazette and in the district in which the land the subject of the agreement is situated, a notice specifying—
- (a) the particulars of the Crown land to be exchanged; and
  - (b) the particulars of the land for which the Crown land is to be exchanged under the agreement.

No. 3709 s. 13.  
S. 13  
amended by  
No. 7228  
s. 7(Sch 4  
Pt 19(e)).

### 13 Land acquired by Crown or Board may be conveyed

Subject to the provisions of any Act any land acquired by purchase or otherwise by the Crown and conveyed to Her Majesty or to the Board of Land and Works (except land acquired for railway purposes) or to the Minister of Public Works may be sold granted conveyed or otherwise disposed of by the Governor in Council in the name and on behalf of Her Majesty in the same manner and form but not otherwise as if such land had never been alienated from the Crown.

Ss 14–16  
repealed by  
No. 9212  
s. 2(1).

\* \* \* \* \*

No. 3709 s. 17.

### 17 Registration of Crown purchases to have same effect as enrolment

Every registration heretofore made, under the **Real Property Statute 1864** or under any previously existing Act concerning the registration of deeds and conveyances affecting land, of a memorial of any grant conveyance or surrender to Her Majesty of any freehold or leasehold land or any estate or interest therein, and every registration heretofore made under Act No. 140 or under the Transfer of Land Statute of any

surrender or transfer to Her Majesty of any estate or interest in any freehold or leasehold land under the operation or subject to the provisions of the last-mentioned Acts or either of them, and every registration which has been or is made under the **Property Law Act 1958** or any corresponding previous enactment of any such memorials as aforesaid or under the **Transfer of Land Act 1958** or any corresponding previous enactment of any such surrender or transfer as aforesaid, shall respectively be deemed to have been and shall be an enrolment of record of such grant conveyance surrender or transfer respectively.

\* \* \* \* \*

Ss 18–22  
repealed by  
No. 9212  
s. 2(1).

## **22A Power to public authorities to surrender lands**

S. 22A  
inserted by  
No. 6612 s. 2.

- (1) Where any land is vested in an authority the authority may notwithstanding anything in any Act with the consent of the Governor in Council—
  - (a) surrender the land or any part thereof to the Crown;
  - (b) agree with any other authority to transfer the land or any part thereof to that other authority;
  - (c) agree with any other authority to exchange the land for land vested in that other authority.
- (2) Where pursuant to this section an authority has agreed to transfer land to another authority it shall surrender the land to the Crown and the Governor in Council may by order published in the Government Gazette vest the land subject to and

in accordance with the agreement in the other authority for the appropriate purposes of that other authority.

- (3) Where pursuant to this section an authority has agreed with another authority to exchange land each authority shall surrender the land agreed to be exchanged to the Crown and the Governor in Council may by order published in the Government Gazette vest the land so surrendered subject to and in accordance with the agreement in the respective authorities for the appropriate purposes of those authorities respectively.
- (4)
  - (a) Where pursuant to subsection (1) of this section an authority surrenders land the Governor in Council by order published in the Government Gazette may make any amendment necessary in consequence of such surrender to any provision in any Act in which any land of the authority is described.
  - (b) Where pursuant to subsection (2) or subsection (3) of this section any land is surrendered by an authority and by Order in Council vested in another authority the Governor in Council by the same order may make any amendment necessary in consequence of such surrender or vesting to any provision in any Act in which any land of the respective authorities is described.
- (5) In this section *authority* means any body corporate constituted by an Act of Parliament for a public purpose.

(6) Nothing in this section shall limit the operation of the **Transport Integration Act 2010** or the **Road Management Act 2004**.

S. 22A(6)  
amended by  
Nos 9921  
s. 255, 12/2004  
s. 161(1),  
6/2010  
s. 203(1)  
(Sch. 6  
item 27.1) (as  
amended by  
No. 45/2010  
s. 22).

\* \* \* \* \*

S. 22B  
inserted by  
No. 7075 s. 2,  
repealed by  
No. 9212  
s. 2(1).

**22C Attorney-General may authorize surrender of lands to Her Majesty**

S. 22C  
inserted by  
No. 7075 s. 2,  
substituted by  
No. 8363 s. 2

(1) Subject to this section—

- (a) the registered proprietor of or the person seized of an estate in fee-simple in any land—
  - (i) referred to in Schedule Two A; or
  - (ii) declared by the Governor in Council pursuant to subsection (2) to be land to which this section applies; and
- (b) the municipal council of the municipal district in which any land referred to in Schedule Two B is situated—

S. 22C(1)(b)  
amended by  
No. 13/1990  
s. 41(a).

may make application to the Attorney-General in or to the effect of the form prescribed for authority under this section to surrender the land concerned to Her Majesty.

(2) Any land (other than land permanently reserved pursuant to section 4 of the **Crown Land (Reserves) Act 1978**) which the clerk of the municipal council concerned has certified to be

S. 22C(2)  
amended by  
Nos 9212  
s. 2(2),  
13/1990  
s. 41(a).

land which is or has been used for any cultural sporting or recreational purpose or for any purpose referred to in section 4 of the **Crown Land (Reserves) Act 1978** may be declared by the Governor in Council, by proclamation published in the Government Gazette, to be land to which this section applies.

- (3) Not less than 30 days and not more than 60 days before an application is made to the Attorney-General for authority under this section to surrender any land, a notice of intention to so apply, in or to the effect of the form prescribed, shall be published in a newspaper circulating generally in Victoria and in a newspaper circulating generally in the district in which the land is situated.
- (4) Upon receipt of an application under this section and after consultation with the Minister, the Attorney-General—
- (a) if satisfied that notice has been published in accordance with subsection (3); and
  - (b) after consideration—
    - (i) of any objections lodged pursuant to the notice; and
    - (ii) of the effect of the proposed surrender on any interest in the land concerned appearing from the Register kept pursuant to the **Transfer of Land Act 1958** or registered in the office of the Registrar-General (as the case requires)—

S. 22C(4)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 125),  
46/1998  
s. 7(Sch. 1).

S. 22C(4)(b)(ii)  
amended by  
No. 18/1989  
s. 13(Sch. 2  
item 41(a)).

may, notwithstanding anything in any instrument or in any other Act and subject to any conditions he thinks fit, authorize the applicant to surrender to Her Majesty the land in respect of which the application is made.

**22D Surrender of land by municipality**

S. 22D  
inserted by  
No. 8130 s. 2,  
substituted by  
No. 8363 s. 2.

(1) Where the Attorney-General has authorized a municipal council to surrender any land the municipal council shall as soon as practicable thereafter execute an instrument of transfer and surrender or an instrument of conveyance (as the case requires) of the land to Her Majesty.

S. 22D(1)  
amended by  
No. 13/1990  
s. 41(a).

(2) An instrument executed by a municipal council pursuant to subsection (1) shall as nearly as may be have the same force and effect as if it had been executed by the registered proprietor of or the person seized of an estate in fee-simple in the land concerned.

S. 22D(2)  
amended by  
No. 13/1990  
s. 41(a).

**22E Surrendered land to be deemed unalienated land of Crown**

S. 22E  
inserted by  
No. 8363 s. 2.

(1) Upon registration in the Office of Titles of a transfer and surrender or of a conveyance to Her Majesty of any land pursuant to an authority granted under section 22C the land shall be deemed to be unalienated land of the Crown freed and discharged from all trusts encumbrances limitations and restrictions whatsoever and from every estate or interest therein.

S. 22E(1)  
amended by  
No. 85/1998  
s. 24(Sch.  
item 35).

(2) Upon the surrender to Her Majesty pursuant to an authority granted under section 22C of any land held upon trust, the trustees of the land shall in respect of that land be freed and discharged from all further duties and liabilities under the trust.

\* \* \* \* \*

S. 22F  
inserted by  
No. 8652 s. 2,  
amended by  
No. 8702  
s. 55(10)(a),  
repealed by  
No. 9212  
s. 2(1).

S. 22G  
inserted by  
No. 9057 s. 7,  
repealed by  
No. 9212  
s. 2(1).

\* \* \* \* \*

No. 3709 s. 23.

### **23 Escheated and forfeited lands may be conveyed**

When Her Majesty has become or hereafter becomes entitled to any land by reason of intestacy or of any forfeiture or of the same having been purchased or held by or for the use of or in trust for any alien or aliens contrary to the provisions of any law for the time being in force, the Governor in Council may if he thinks fit grant such lands or any part thereof in fee simple or for any less estate to any person for the purpose of restoring the same to any of the family of the person whose estate the same had been or of carrying into effect any intended grant conveyance or devise of such last-mentioned person in relation thereto or of rewarding any person making discovery of such intestacy and its consequences or of Her Majesty's right and title to such land or in default such land may be dealt with in the same manner as land not alienated by the Crown.

S. 24  
amended by  
No. 7548  
s. 2(c),  
repealed by  
No. 40/2020  
s. 38.

\* \* \* \* \*

Nos 3709  
s. 25, 4181  
s. 2(1).

### **25 Governor in Council may divide territory into counties etc.**

- (1) The Governor in Council may subdivide any county into parishes and townships and by proclamation published in the Government Gazette may define the boundaries of such

parishes and townships and distinguish each by a name.

- (2) After such proclamation the territory comprised within the boundaries of any of the said subdivisions shall thenceforward be recognized as a parish or township by the name so given as aforesaid.
- (3) The Governor in Council may—
- (a) alter by proclamation as aforesaid the name of any county parish or township within the State of Victoria or substitute by proclamation as aforesaid the designation "township" for the designation "town" or "village" in respect of any territory proclaimed as a town or village pursuant to any repealed Act relating to the sale and occupation of Crown lands;
  - (b) diminish or extend by proclamation as aforesaid the area of any county or parish or alter the boundaries or name thereof and add the territory taken away from one county to any adjacent county or the territory taken away from one parish to any adjacent parish and divide any county into two or more counties or any parish into two or more parishes and give to each a distinguishing name;
  - (c) proclaim from time to time by a notice published in the Government Gazette any portion or portions of Crown lands as a street or road or as a township;
  - (d) annul and rescind from time to time by a notice published in the Government Gazette any proclamation made under this or any repealed Act of any portion or portions of Crown lands as townships or villages or

**S. 25(3)(a)**  
**amended by**  
**Nos 7360 s. 5,**  
**8181**  
**s. 2(1)(Sch.**  
**item 99).**

**S. 25(3)(c)**  
**amended by**  
**No. 6505 s. 2.**

diminish or extend from time to time by a notice published in the Government Gazette the area of any town or township the subject of any such previous proclamation.

(4) The lands upon which such street or road has been proclaimed shall be and be deemed to be thenceforth dedicated to the public.

S. 25(5)  
inserted by  
No. 96/1994  
s. 5.

(5) A document describing Crown land as a road is evidence, and in the absence of evidence to the contrary, is proof that the land is a road within the meaning of this Act.

S. 25(6)  
inserted by  
No. 96/1994  
s. 5.

(6) Subsection (5) applies to—

S. 25(6)(a)  
amended by  
No. 51/2016  
s. 19.

(a) a map or plan in the Central Plan Office showing or delineating land as a road; or

(b) a copy of the Government Gazette containing a proclamation of land as a road; or

(c) a copy of the Government Gazette containing an instrument reserving or purporting to reserve land as a road.

No. 3709 s. 26.

## 26 Crown grants and leases to be dated

Notwithstanding any law or usage to the contrary, every Crown grant and lease hereafter issued shall bear the date on which the person named therein as grantee or lessee respectively first became entitled to such grant or lease, and the registration thereof under the **Transfer of Land Act 1958** shall be deemed to be an enrolment of record thereof, and such enrolment shall relate back to the date of the grant or lease.

### **Division 3—Administration**

**27 Appointment of land office and land officer** **No. 3709 s. 27.**

There shall be one or more land officers and one or more land offices for the purpose of receiving applications in respect of Crown lands and payments on account thereof; and no such officer shall directly or indirectly become the licensee or lessee of any Crown land within the district to which he is appointed.

**28 Application for a lease or licence** **No. 3709 s. 28.**

Any person may on any day during office hours deliver or cause to be delivered any such application to a land officer acting in the district.

**29 Applications to be entered** **No. 3709 s. 29.**

Every application shall be received and entered in its order in a book to be kept for that purpose.

\* \* \* \* \*

**S. 30**  
substituted by  
No. 8367 s. 2,  
repealed by  
No. 41/1987  
s. 103(Sch. 4  
item 39.3).

### 31 Duties of authorised officers

S. 31  
(Heading)  
inserted by  
No. 40/2020  
s. 39(1).

S. 31  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(f)),  
substituted by  
No. 8367 s. 2.

S. 31(1)  
amended by  
No. 41/1987  
s. 103(Sch. 4  
item 39.5).

(1) Every authorised officer shall—

S. 31(1)(a)  
amended by  
No. 40/2020  
s. 39(2).

(a) prevent intrusion encroachment or trespass  
on any Crown land;

S. 31(1)(b)  
amended by  
No. 40/2020  
s. 39(2).

(b) levy or recover rent or licence fees payable  
in respect of Crown land;

(c) take and recover possession of any allotment  
or lands forfeited under this or any other Act;

(d) carry out any other duties imposed under this  
Act;

S. 31(1)(e)  
amended by  
No. 10011  
s. 7(1).

(e) enforce any regulation made under this Act  
or under section 13 of the **Crown Land  
(Reserves) Act 1978**;

S. 31(1)(f)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 125),  
46/1998  
s. 7(Sch. 1).

(f) carry out such other duties as may be  
directed by the Minister.

- (2) An authorised officer shall have the like power and authority to do all such acts as any authorised officer lawfully appointed may by law do in respect of any lands tenements or hereditaments of his employer; and every such authorised officer may file a charge-sheet charging an offence against any person who is in unauthorized occupation whether under colour of any licence or lease or otherwise of any Crown lands, or whose right to occupy such lands has ceased, and may sue for and recover any penalty from any person liable to forfeit the same.
- S. 31(2) amended by Nos 41/1987 s. 103(Sch. 4 items 39.4, 39.6, 39.7), 57/1989 s. 3(Sch. item 109.1), 68/2009 s. 97(Sch. item 74).
- (3) Any person who obstructs or assaults or incites or encourages any person to obstruct resist or assault an authorised officer in the execution of his duty under this Act or who threatens or abuses any such authorised officer shall be guilty of an offence against this Act and liable to a penalty not exceeding 2.5 penalty units or imprisonment not exceeding 3 months.
- S. 31(3) amended by Nos 41/1987 s. 103(Sch. 4 items 39.4, 39.7), 10/2004 s. 15(Sch. 1 item 14.1 (a)(b)).
- (4) An authorised officer may seize and remove any vehicle or vessel parked or left without lawful authority on any Crown land and may retain the vehicle or vessel (either in a garage or elsewhere) until the owner reimburses the Crown for the cost of the removal, retention and release of the vehicle or vessel.
- S. 31(4) inserted by No. 10011 s. 7(2), amended by No. 41/1987 s. 103(Sch. 4 item 39.4).
- (5) Where an authorised officer reasonably believes that a person has contravened or is contravening any provision of this Act or the **Crown Land (Reserves) Act 1978** or any regulation made under either Act, the authorised officer may ask the person to state the person's name and address.
- S. 31(5) inserted by No. 10011 s. 7(2), amended by No. 41/1987 s. 103(Sch. 4 items 39.4, 39.8).

S. 31(6)  
inserted by  
No. 10011  
s. 7(2).

(6) A person who is asked pursuant to subsection (5) to state the person's name and address and fails to do so or states a false name or address shall be guilty of an offence.

Penalty: 5 penalty units.

No. 3709 s. 32.  
S. 32  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(g)).

### **32 Authority of persons appointed under this Act**

The Governor in Council or the Minister respectively may in all cases where power is given by this Act to appoint or authorize any person for a particular purpose or to do a particular act, appoint or authorize such person generally for any such purpose or to do all acts of the same or the like nature; and such person may do all things within the scope of such general authority in all cases to which his appointment or authority purports or can be construed to extend.

No. 3709 s. 33.

### **33 Several persons may be appointed to do the same act**

Whenever any person has been or may be appointed in pursuance of this Act as the person to perform any act or with regard to whom any act is to be performed, it shall nevertheless be lawful to appoint some other person to be the person to perform such act or with regard to whom such act is to be performed.

No. 3709 s. 34.

### **34 How applications etc. to be heard**

S. 34(1)  
amended by  
No. 7548  
s. 2(d)(i).

(1) For the purpose of enabling applicants for leases and licences under this Part to have an opportunity of showing the bona fides of their applications, and for the purpose of enabling all objections to the issue of such leases and licences and to proposed proclamations alterations additions diminutions revocations and unions of commons to be publicly heard, and for the purpose of allowing all persons (whose leases or licences under any Division of this Part or any repealed

Act are alleged to be liable to forfeiture for any cause) to show cause to the Minister against such forfeiture, it is hereby directed that notice shall from time to time be given in the Government Gazette of a time not less than ten days from the date of such notice when and of a place where applications for leases and licences and objections to such applications and to any proposed proclamation alteration addition diminution revocation or union of commons, and reasons against forfeitures of any such leases and licences for any cause, will be publicly heard by the Minister or by a Local Land Board consisting of one or more persons appointed by the Minister.

- (2) (a) The Minister or a Local Land Board appointed by him shall at the time and place so appointed publicly hear any evidence which may be tendered with respect to such applications objections and reasons. **S. 34(2)(a) amended by No. 7548 s. 2(d)(ii).**
- (b) If the hearing is by a Local Land Board the board shall report thereon in writing to the Minister. **S. 34(2)(b) substituted by No. 7548 s. 2(d)(iii).**
- (3) This section does not apply to the forfeiture, termination or cancellation of a lease or licence granted under Division 8 or 9. **S. 34(3) inserted by No. 96/1994 s. 6.**

### **35 Penalty for false statement etc.**

Every person who at any such public hearing as is in the last preceding section mentioned wilfully—

- (a) makes a false statement;
- (b) refuses to answer any question lawfully put to him; or

**No. 3709 s. 35.  
S. 35  
amended by  
Nos 7548  
s. 6(a),  
10/2004  
s. 15(Sch. 1  
item  
14.2(a)(b)).**

(c) gives a false answer to any such question—  
shall be liable to a penalty of not less than  
0.5 penalty unit nor more than 4 penalty units, or  
to imprisonment for a term of not less than  
fourteen days nor more than six months.

No. 3709 s. 36.

**36 Power to Governor in Council to withdraw lands  
from sale etc.**

The Governor in Council may if he thinks fit  
withhold or withdraw from sale leasing or  
licensing any land or allotment.

No. 3709 s. 37.

**37 Minister to lay annual report before Parliament**

The Minister shall annually lay or cause to be laid  
before both Houses of Parliament a report of the  
proceedings taken under the provisions of Parts I  
and II during the financial year ending on the last  
day of June preceding the date of such report.

Pt 1 Div. 3A  
(Heading and  
s. 37A)  
inserted by  
No. 9183 s. 2,  
amended by  
No. 9528 s. 2,  
repealed by  
No. 96/1994  
s. 19.

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**Division 4—Perpetual leases**

Pt 1 Div. 4  
(Heading)  
amended by  
No. 96/1994  
s. 21(1).

\* \* \* \* \*

Pt 1 Div. 4  
Subdiv. 1  
(Heading and  
ss 38–42)  
amended by  
Nos 6505 s. 2,  
7332 s. 2 (Sch  
1 item 32),  
8461 s. 4(a)–  
(e), 9075  
s. 5(2),  
repealed by  
No. 96/1994  
s. 20 (as  
amended by  
No. 73/1996  
s. 11).

Land Act 1958  
No. 6284 of 1958  
Part I—Crown lands generally

Pt 1 Div. 4  
Subdiv. 2  
(Heading and  
ss 43–52)  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(h)(i)),  
7315  
s. 3(Sch. 1),  
7332  
s. 2(Sch. 1  
item 33), 8181  
s. 2(1)(Sch.  
item 90), 8461  
ss 5–10, 9075  
s. 5(2), 9427  
s. 6(1)(Sch. 5  
item 75),  
41/1987  
s. 103(Sch. 4  
items 39.9,  
39.10),  
13/1990 s.  
41(b), 52/1994  
s. 97(Sch. 3  
item 16.3),  
repealed by  
No. 96/1994  
s. 20 (as  
amended by  
No. 73/1996  
s. 11).

\* \* \* \* \*

Pt 1 Div. 4  
Subdiv. 3  
(Heading)  
repealed by  
No. 96/1994  
s. 21(2).

\* \* \* \* \*

No. 3709 s. 53.

**53 Power to select allotment under perpetual lease**

Where pursuant to the provisions of this Act or any repealed Act or to the covenants or conditions of any lease granted thereunder any person is entitled to apply to select any land as a selection purchase allotment such person may apply to select such allotment under a perpetual lease, and subject to this Part a perpetual lease thereof may be granted to such person accordingly.

**54 Application of subdivision**

No. 3709 s. 54.

Where power is given to any person to apply to select any land under a perpetual lease such lease shall, unless modified or otherwise expressly provided, be subject to all the provisions of this subdivision.

**55 Conditions in perpetual lease**

No. 3709 s. 55.

(1) Every perpetual lease shall be issued by the Governor in Council, and shall contain the following conditions namely—

S. 55  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(j)).

(a) a condition for the payment in advance of the yearly rent;

(b) a condition that the perpetual lessee shall at once and to the satisfaction of the Minister commence and continue to eradicate or control and will within two years after the issue of the perpetual lease have eradicated or controlled to the satisfaction of the Minister the pest animals upon the land demised, and that the lessee will keep the land free of pest animals and noxious weeds within the meaning of the **Catchment and Land Protection Act 1994** to the satisfaction of the Minister;

S. 55(1)(b)  
amended by  
No. 52/1994  
s. 97(Sch. 3  
item 16.4).

(c) a condition that the perpetual lessee shall within six years from the issue of the perpetual lease if not sooner called upon under the provisions of the **Fences Act 1968** enclose the land demised with a fence and keep the same in repair provided however that where any lessee proves to the satisfaction of the Minister that owing to the physical conditions or the nature of the land demised the enclosing thereof with a fence would be impracticable or where in the opinion of the Minister the fencing of the

S. 55(1)(c)  
amended by  
No. 9427  
s. 6(1)(Sch. 5  
item 75).

whole or any part of the land demised is not required, the Minister may in writing accept as a compliance with the fencing covenant the expenditure by the lessee on such land for substantial and permanent improvements previously approved by the Minister of an amount equivalent in the Minister's opinion to the cost of fencing;

S. 55(1)(d)  
amended by  
No. 8461  
s. 11(a).

- (d) a condition that the perpetual lessee his executors administrators or assigns shall within six months after the granting of the perpetual lease reside upon the land demised or within nine kilometres thereof and that he shall reside upon the land demised or within nine kilometres thereof for at least six months during the first year of the term of such lease and for at least eight months during each of the second third fourth and fifth years of such term, provided that if he cultivates at least one-fourth of the land demised within the first two years of such term and at least one-half thereof before the end of the fourth year of such term this condition as to residence shall not operate;
- (e) a condition that the perpetual lessee shall on the land demised make substantial and permanent improvements certified in writing signed by the Minister not exceeding the value of \$2.50 for every hectare of the said land before the end of the third year from the commencement of the lease, and not exceeding the value of \$2.50 for every hectare before the end of the sixth year from such commencement;
- (f) a condition that the lease shall be voidable at the will of the Governor in Council in the event of any breach of or non-compliance

S. 55(1)(e)  
amended by  
Nos 8461  
s. 11(b)(i)-(v),  
96/1994  
s. 31(a)(i)(ii).

- with the covenants or conditions thereof by the perpetual lessee<sup>1</sup>;
- (g) a condition that the perpetual lessee will not transfer assign mortgage sublet or part with the possession of the whole or any part of the land demised within the first six years of such lease. Where any lease is assigned to any person by the trustee assignee or receiver in bankruptcy or the executors or administrators of the lessee such lessee not having personally resided on the land demised pursuant to the conditions of the lease or no proof satisfactory to the Minister being given of such residence the Governor in Council may date such assigned lease so as to enable the new lessee to comply with the said condition of residence contained in the lease and may make such adjustments of rent as are necessary and the said lease shall be read and construed accordingly;
- (h) a condition that if any time after the expiration of the first six years of such lease the Minister is satisfied that all the covenants and conditions thereof have been complied with and that no rent is due thereon the perpetual lessee may with the written consent of the Minister transfer mortgage sublet or part with the possession of the whole or any part of the land demised; and
- (i) a condition that the Governor in Council or the Minister may at any time enter upon the whole or portion of the land demised for the purpose of resuming any land comprised therein and required for reserves for public purposes roads railways canals reservoirs or for mining purposes. Every perpetual lessee shall upon such entry remove any improvements from his leasehold or

part thereof and relinquish and give up possession of the said leasehold or part to Her Majesty. There shall be paid by Her Majesty the actual cost of removing and re-erecting, and any actual depreciation in value caused by such removal and re-erection of his improvements and the amount of loss sustained in consequence of relinquishing improvements not removable. Such cost or amount shall be fixed by the Minister but shall not include compensation for severance or for any person's interest in the perpetual lease and may be paid to such person or persons as the Minister determines.

- (2) Every perpetual lease shall also be subject to such conditions as may be provided by regulations.

## **56 Rent under perpetual lease**

- (1) Subject to this section, for every successive 10-year period, the rent payable by the perpetual lessee (other than the perpetual lessee of any swamp or reclaimed land) is the amount for each year fixed by the Minister at the start of that 10-year period.
- (2) The rent payable by a perpetual lessee for any swamp or reclaimed land is 4 per cent for each year of the value of the land as assessed by the Minister under subsection (3).
- (3) For the purposes of subsection (2), the Minister must reassess the value of the land every 10 years.
- (4) For the purposes of subsection (3), when any swamp or reclaimed land is being reassessed, any improvements on the land which do not belong to the Crown must not be included in or added to the value of the land.

S. 56  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(k)), 8181  
s. 2(1)(Sch.  
item 91),  
10011 s. 8,  
substituted by  
No. 40/2020  
s. 40.

- (5) Despite subsection (2), if the Minister is satisfied that in the circumstances of any particular case a higher or lower rent should be charged during any successive period for the perpetual lease of any swamp or reclaimed land—
- (a) the Governor in Council may from time to time by Order published in the Government Gazette increase or decrease the rent for that part of the remainder of that successive period as is specified in the Order; and
  - (b) the increased or decreased rent is payable from the date of the Order or any later date specified in the Order.
- (6) For the purposes of subsection (1), for a perpetual lease to which old section 56 applied immediately before the commencement of section 40 of the 2020 amending Act, the 10-year period applying to that lease immediately before that commencement—
- (a) is taken to continue to apply to that lease after that commencement; and
  - (b) is taken to expire at the same time as the period would have expired if section 40 of the 2020 amending Act had not been enacted.
- (7) For the purposes of subsection (2), for any swamp or reclaimed land to which old section 56 applied immediately before the commencement of section 40 of the 2020 amending Act, the 10-year period applying to the assessment of the value of that land immediately before that commencement—
- (a) is taken to continue to apply to that land after that commencement; and

(b) is taken to expire at the same time as the period would have expired if section 40 of the 2020 amending Act had not been enacted.

(8) In this section—

*old section 56* means section 56 of this Act as in force before the commencement of section 40 of the 2020 amending Act;

*2020 amending Act* means the **Parks and Crown Land Legislation Amendment Act 2020**.

No. 3709 s. 57.  
S. 57  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(k)).

### **57 Recovery of rent and interest<sup>2</sup>**

The Minister shall have the same powers for the levying or recovery of rent under the perpetual lease and of interest thereon as by law he has with respect to the levying or recovery of rent under this Part.

No. 3709 s. 58.

### **58 Power of perpetual lessee to surrender lease**

- (1) Any perpetual lessee who has selected land on which no arrears of rent are due may in writing apply at any time for permission to surrender his lease to Her Majesty.
- (2) If the Minister is satisfied that the applicant holds the allotment bona fide for his sole use and benefit and that such surrender is approved of in writing by any mortgagee or lienee of such lease the Governor in Council may if he thinks fit accept such surrender and on payment of such fee as may be prescribed issue to such applicant a selection purchase lease (residential or non-residential) for such allotment.

S. 58(2)  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(k)),  
96/1994  
s. 31(b).

### **59 Ante-dating of lease**

- (1) Any applicant who has been granted a selection purchase allotment under the provisions of the last preceding section and who proves to the satisfaction of the Minister that he has occupied

No. 3709  
s. 59.  
S. 59  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(k)).

his allotment may if the Minister thinks fit have his selection purchase lease therefor dated from the first day of January or the first day of July in the half-year in which he commenced to occupy such allotment; and in the event of his occupation of such allotment not having been continuous may if the Minister thinks fit have his selection purchase lease therefor so dated from the first day of January or the first day of July in any year as to cover in the aggregate the periods during which he has so occupied his allotment and such selection purchase lease shall thereupon be deemed to have been issued on such date.

- (2) Such selection purchase lease shall not be issued until the applicant pays the amount of rent which would have been payable under the selection purchase lease if it had been issued on the date thereof.
- (3) The applicant on the issue to him of the selection purchase lease shall be entitled to have all substantial and permanent improvements valued by the Minister and to be credited with the same as if made under and pursuant to the conditions and covenants of the selection purchase lease.
- (4) The Governor in Council may in the selection purchase lease make all necessary adjustments accordingly.
- (5) Where a selection purchase lease is issued pursuant to the last preceding section the selection purchase lessee may at any time during the first six years of the term of the selection purchase lease give to any person who at the time of surrender of the perpetual lease was a mortgagee thereof a lien on his improvements to the full amount due on such mortgage at the time of such surrender; and the provisions of this Act relating

to liens shall apply to the lien given pursuant to this section.

- (6) The Minister may if he thinks fit direct that the whole or any part of the rent paid on account of a surrendered perpetual lease shall be credited as part of the rent payable on the selection purchase allotment, and that any occupation of the land comprised in the surrendered perpetual lease shall be deemed and taken to be occupation under the selection purchase lease.

No. 3709 s. 60.

## **60 Limit of land to be held under perpetual lease**

S. 60(1)  
amended by  
Nos 8461  
s. 12(a)(i)–(iv),  
96/1994  
s. 31(c).

- (1) No person shall hold under this Part as perpetual lessee either in his own name or the name or names of any other person or persons more than 1170 hectares of land.
- (2) If any person except as hereinafter mentioned holds lands or any estate or interest in lands contrary to the provisions of this section, such lands or so much thereof as may be held contrary to the provisions of this section shall be liable to be forfeited to Her Majesty, and the particular lands to be so liable to be forfeited shall be determined by the following rules:

S. 60(2)(a)  
amended by  
No. 8461  
s. 12(a)(i)–(iv),  
substituted by  
No. 96/1994  
s. 31(d).

- (a) if a person who is a perpetual lessee of lands not exceeding 1170 hectares becomes the perpetual lessee of other lands so as to exceed that limit, that person's estate or interest in the lands which exceed that limit are liable to be forfeited;

S. 60(2)(b)  
amended by  
No. 8461  
s. 12(a)(i)–(v),  
substituted by  
No. 96/1994  
s. 31(d).

- (b) a person referred to in paragraph (a) forfeits none of the lands of which that person was the owner before he or she exceeded the limit of 1170 hectares;

(c) the Minister may determine, by notice in writing given to the lessee, which part of the lands in excess of the limit are liable to be forfeited.

**S. 60(2)(c)**  
amended by  
**No. 8461**  
s. 12(a)(i),  
substituted by  
**No. 96/1994**  
s. 31(d).

(3) If any person by or under any will or as one of the next of kin of any deceased person or by reason of any estate or interest in expectancy falling into possession or by survivorship or by the foreclosure of any mortgage becomes the perpetual lessee of any lands and by reason thereof he becomes such perpetual lessee of land to a greater extent than the extent hereby permitted, such person shall not be deemed to hold such lands contrary to the provisions of this section until the expiration of five years from the death of the testator or intestate or the falling of such estate or interest into possession or the death of the person upon whose death any estate or interest accrues by survivorship to such first-mentioned person or the foreclosure of such mortgage as the case may be.

(4) If any mortgagee of any lands takes possession of such lands as perpetual lessee he shall after the expiration of five years from taking such possession be deemed to hold such lands as perpetual lessee within the meaning of this section.

(5) Every person holding any lands or any estate or interest in lands contrary to the provisions of this section, in addition to the liability to forfeiture hereinbefore provided for, shall be liable to a penalty of not more than 50 cents for every hectare of such lands held by him contrary to the provisions of this section, and an additional penalty of the same amount for every year he may hold the same.

**S. 60(5)**  
amended by  
**No. 8461**  
s. 12(b)(i)(ii).

S. 60(7)  
amended by  
No. 6505 s. 2.

- (6) If lands become liable to be forfeited under the provisions of this section such lands may be forfeited while held by the person by whom the forfeiture was incurred or by any person claiming under him not being a bona fide purchaser for value, but such lands shall not be liable to be forfeited after they have passed into the hands of any bona fide purchaser for value claiming under any such person.
- (7) If any person who is the perpetual lessee of lands to an extent beyond the extent of which any person is permitted to be the perpetual lessee is an infant or lunatic, any executor administrator or trustee in whom such lands may be vested on behalf of such infant or lunatic or if there is none the guardian (if any) of the estate of such infant or the committee or guardian of the estate of such lunatic shall sell such lands estate or interest or so much thereof as may be necessary to reduce the extent of which such infant or lunatic is the perpetual lessee to the extent permitted by this section and apply the proceeds as part of the estate of such infant or lunatic; and if such lands are so sold within five years after the date at which such infant or lunatic became the perpetual lessee of lands to an extent in excess of the extent permitted by this section such lands shall not be liable to forfeiture under the provisions of this section unless a forfeiture was incurred previous to such infant or lunatic becoming the perpetual lessee or to the lunacy of such lunatic; and such executor administrator trustee guardian or committee is hereby empowered and directed to execute proper transfers and assurances for the purpose of vesting such lands in the purchasers thereof which shall be as effectual for that purpose as if the infant or lunatic were of full age and sound mind and executed the same.

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|---|---|---|---|---|--|
| *   | * | * | * | * | Pt 1 Div. 4<br>Subdiv. 4<br>(Heading)<br>repealed by<br>No. 96/1994<br>s. 20 (as<br>amended by<br>No. 73/1996<br>s. 11).                           |
| <b>61 Encumbranced leases</b>   |   |   |   |   |  |
| *   | * | * | * | * | Nos 3709<br>s. 61, 4873<br>s. 3(1)(3).   |
| *   | * | * | * | * | S. 61(1)<br>amended by<br>No. 7228<br>s. 7(Sch. 4<br>Pt 19(I)),<br>repealed by<br>No. 96/1994<br>s. 20 (as<br>amended by<br>No. 73/1996<br>s. 11). |
| (2) Where any lease under this Act is subject to a registered encumbrance and the lessee obtains a Crown grant of such land (whether with or without any addition thereto or adjustment thereof)—   |   |   |   |   |  |
| (a) such encumbrance shall without further or other authority than this Act be transferred and apply to such Crown grant and to the land thereby granted in all respects as if such Crown grant had been referred to in such encumbrance; and |   |   |   |   |  |
| (b) the Registrar of Titles must make a recording of the encumbrance on the relevant folio of the Register.   |   |   |   |   |  |
| (2A) In subsection (2), <i>lease under this Act</i> includes a purchase lease issued under the <b>Agricultural Colleges Act 1958</b> .  |   |   |   |   |  |

No. 4873  
 s. 3(3).  
 S. 61(3)  
 amended by  
 No. 7228  
 s. 7(Sch. 4  
 Pt 19(l)).

- (3) (a) Where the lease of any land under any of the provisions of this Act is subject to a registered encumbrance and before the expiration of the term thereof a new lease of the same land (whether with or without any addition thereto or adjustment thereof) is granted to the lessee in substitution for such first-mentioned lease such encumbrance shall, if the Minister considers it equitable, be transferred and apply to such new lease and to the land thereby demised in all respects as if such new lease had been referred to in such encumbrance.
- (b) Upon the grant of any new lease referred to in the last preceding paragraph the Minister shall forthwith furnish to the Registrar of Titles—
- (i) a certificate signed by the Minister setting forth the registered encumbrances on the former lease which are to be transferred to the new lease; or
- (ii) where no encumbrances are to be transferred a notification in writing to that effect.
- (c) The Registrar of Titles must, upon receipt of such certificate, make a recording of the encumbrance on the relevant folio of the Register.

S. 61(3)(c)  
 substituted by  
 No. 18/1989  
 s. 13(Sch. 2  
 item 41(c)).

Ss 62–69  
 repealed.<sup>3</sup>

Pt 1 Div. 4  
 Subdiv. 5  
 (Heading and  
 ss 70–84)  
 repealed.<sup>4</sup>

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Pt 1 Div. 5  
(Heading and  
ss 85–88)  
repealed.<sup>5</sup>

**Division 6—Sale of land by auction or tender  
or to a public authority**

Pt 1 Div. 6  
(Heading and  
ss 89–100)  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(q)), 8181  
s. 2(1)(Sch.  
item 94), 8461  
ss 16–18,  
9805 s. 3(a)–  
(c), 9861  
s. 3(1), 9902  
s. 2(1)(Sch.  
item 131),  
substituted as  
Pt 1 Div. 6  
(Heading and  
ss 89–99) by  
No. 10011 s. 9,  
amended by  
No. 75/1987  
s. 4(2).

**89 Minister may sell Crown land by public auction or  
public tender**

No. 3709 s. 89.  
S. 89  
substituted by  
No. 10011 s. 9.

- (1) The Minister may sell any Crown land in fee simple by public auction or by public tender at such reserve price and on such terms and conditions as he thinks fit.
- (2) Nothing in subsection (1) constitutes an authority to sell any land which has been reserved either temporarily or permanently under section 4 of the **Crown Land (Reserves) Act 1978** where the reservation of the land has not been revoked.

No. 3709 s. 90.  
S. 90  
substituted by  
No. 10011 s. 9.

## **90 Minister to give notice of public auction or public tender**

The Minister shall, not less than fourteen days before—

- (a) the day on which a public auction of any Crown land is held; and
- (b) the last day on which tenders for the sale of any Crown land by public tender may be submitted to him—

publish, in the Government Gazette and in a newspaper circulating in the district in which the land is situated, a notice specifying—

- (c) the place and time of the auction or the last day on which tenders may be submitted to the Minister (as the case may be);
- (d) the particulars of the land;
- (e) the amount of the deposit to be paid at the auction or lodged with the tender (as the case may be);
- (f) the period for payment of the residue of the purchase price; and
- (g) the rate of interest (if any) to be charged on the residue of the purchase price.

Nos 3709  
s. 91, 4873  
s. 5.  
S. 91  
substituted by  
No. 10011 s. 9.

## **91 Procedure where reserve price not reached at auction or by tender**

Where a public auction of any Crown land is held, or tenders for Crown land are received, and no bid at the auction, or no tender (as the case may be) reaches the reserve price for that land, the Minister may—

- (a) sell the land to the person making the highest bid or submitting the highest tender at a price not less than the reserve price and on terms and conditions no more favourable to the

- purchaser than those published pursuant to section 90 with respect to that land;
- (b) sell the land to any other person at a price which is not less than the reserve price, and upon terms and conditions no more favourable to the purchaser than those published pursuant to section 90 with respect to that land; or
- (c) sell the land by public auction or by public tender at such new reserve price and such new terms and conditions as he thinks fit.

**92 Purchaser of Crown land by auction or tender deemed to be owner**

No. 3709 s. 92.  
S. 92  
substituted by  
No. 10011 s. 9.

- (1) From the time of sale of land under this Division, the purchaser of the land shall for the purposes of any Act imposing any obligation on an owner of land be deemed to be the owner of the land.
- (2) Nothing in subsection (1) imposes any liability on the Crown or the Minister in regard to any land sold under this Division where the contract for the sale of the land becomes void by reason of the non-payment of any part of the purchase price or the non-performance or non-observation of any condition of the contract of sale by the purchaser.

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S. 93  
substituted by  
No. 10011 s. 9,  
repealed by  
No. 1/2010  
s. 90.

**94 Commission may be paid**

Where land is sold by private sale under this Division, a commission not exceeding the rate fixed under the **Estate Agents Act 1980** may be paid at the discretion of the Minister.

Nos 3709  
s. 94, 4095  
s. 4, 4873 s. 6.  
S. 94  
substituted by  
No. 10011 s. 9.

No. 3709 s. 95.  
S. 95  
substituted by  
No. 10011 s. 9.

**95 Land to be granted when purchase price paid**

Where the purchase price of land sold under this Division has been paid in full and the purchaser has complied with the conditions of sale, the Governor in Council shall grant in fee simple the land to the purchaser.

No. 3709 s. 96.  
S. 96  
substituted by  
No. 10011 s. 9.

**96 Person not to assign interest under contract of sale without Minister's consent**

A person who has any interest under a contract for the sale of land under this Division shall not, before the land is granted, transfer or assign the interest unless—

- (a) the Minister gives written consent to the transfer or assignment; and
- (b) the person pays the prescribed fee.

No. 3709 s. 97.  
S. 97  
substituted by  
No. 10011 s. 9.

**97 Penalty interest for failure to pay money due under contract of sale**

- (1) A purchaser of land under this Division who fails to pay any money due under the contract of sale on the day it falls due shall pay in respect of the amount due, for the period of default, interest at the same rate as the rate of interest determined by the Minister under section 228.
- (2) Nothing in subsection (1) affects the Minister's power to take any other action under this Division.

Nos 3709  
s. 98, 5914  
s. 2.  
S. 98  
substituted by  
No. 10011 s. 9.

**98 Minister may declare contract of sale void on default**

- (1) Where a purchaser of land under this Division—
  - (a) fails to pay any money due under the contract of sale on the day it falls due; or

(b) fails to observe or perform any condition of the contract of sale—

and does not rectify the matter within 30 days after receiving written notice from the Minister to do so, the Minister may declare by notice published in the Government Gazette that the contract is void.

- (2) Where a declaration is made under subsection (1) that a contract for the sale of land is void—
- (a) the declaration shall have effect according to its tenor;
  - (b) any money paid for the land under the contract shall be forfeited to the Crown; and
  - (c) the Minister may proceed to recover and take possession of the land.
- (3) Where a declaration is made under subsection (1) that a contract for the sale of land to a purchaser is void, the Minister, if he sells the land to another purchaser, may, after allowing for any deficiency in the purchase price so obtained and after taking into account the expenses of that sale, refund to the first-mentioned purchaser the whole or any part of any money which was forfeited to the Crown as a result of the declaration.

**99 Minister may sell Crown land to public authority**

- (1) In this section *public authority* has the same meaning as in the **Conservation, Forests and Lands Act 1987**.
- (2) This section applies despite anything to the contrary in any Act.
- (3) With the Governor in Council's approval, the Minister may sell Crown land to a public authority at a price and on terms and conditions which the Minister thinks fit, if the Minister is satisfied that

Nos 3709  
s. 99, 5914  
s. 2.  
S. 99  
substituted by  
No. 10011 s. 9,  
amended by  
No. 45/1987  
s. 205(Sch.  
item 39),  
substituted by  
No. 75/1987  
s. 4(1).

the public authority requires the land for a public purpose.

- (4) The Minister cannot under subsection (3) sell land to a public authority if the land is for the time being permanently or temporarily reserved under section 4 of the **Crown Land (Reserves) Act 1978**.
- (5) A public authority may acquire land sold to it under this section for any public purpose for which the authority may acquire or hold land.
- (6) Without limiting subsection (5), a reference to a public purpose includes, in the case of a municipal council, the purpose of housing or decentralised industry.
- (7) The Minister cannot, under subsection (3), sell to a public authority land described in Schedule Three A.

S. 99(6)  
amended by  
No. 13/1990  
s. 41(c).

S. 99A  
inserted by  
No. 28/1993  
s. 4.

#### **99A Sale by private treaty**

- (1) This section applies to Crown land—
  - (a) approved by the Governor in Council, by Order published in the Government Gazette, for sale by private treaty; or
  - (b) included in a class of Crown land approved by the Governor in Council, by Order published in the Government Gazette, for sale by private treaty.
- (2) The Minister may sell Crown land to which this section applies at a price (not less than the Valuer-General's valuation) and on any other terms and conditions that the Minister thinks fit.

- (3) The Minister cannot, under subsection (2), sell land—
- (a) if the land is for the time being permanently or temporarily reserved under section 4 of the **Crown Land (Reserves) Act 1978**; or
  - (b) if—
    - (i) the land is for the time being under a lease or licence under this Act; and
    - (ii) this Act or that lease or licence confers on the holder (whether absolutely or on conditions) a right or power to obtain a Crown grant of the land.

**100 Sale of Crown land subject to lease**

- (1) This section applies to a sale under this Division of Crown land, if the Crown land is subject to a lease granted under subdivision 1 of Division 9 or any corresponding previous enactment (except a lease for amusement or recreational purposes or for the purposes of rifle ranges or roads and tramways, or a lease under section 137A).
- (2) Upon a sale to which this section applies any lease referred to in subsection (1) to which the sale is subject has effect as a lease between the purchaser as lessor and the lessee under the lease as if it had been assigned to the purchaser and as if—
- (a) any reference in the lease (except in relation to the exception and reservation of minerals to the Crown) to Her Majesty, the Governor, the Governor in Council, a Minister or any other person having a power or discretion exercisable under the lease for or on behalf of the Crown or lessor were a reference to the lessor for the time being; and

No. 3709  
s. 100.  
S. 100  
repealed by  
No. 10011 s. 9,  
new s. 100  
inserted by  
No. 122/1986  
s. 3.

- (b) any reference in subdivision 1 of Division 9 or a corresponding previous enactment (except in relation to the exception and reservation of minerals to the Crown) to the powers, discretion or duties of the Minister under that subdivision or enactment in relation to the lease were a reference to powers, discretions or duties of the lessor for the time being; and
- S. 100(2)(c) amended by No. 28/1993 s. 6(1)(a).
- (c) subject to paragraph (a), in the case of a lease providing for reappraisal of rent, the provisions of that lease and this Act for the re-appraisal of the rent continued to have effect; and
- S. 100(2)(ca) inserted by No. 28/1993 s. 6(1)(b).
- (ca) subject to paragraph (a), in the case of a lease providing for review of rent, the provisions of that lease and this Act continue to have effect; and
- (d) any provision in the lease—
- (i) permitting resumption of land for public purposes; or
- (ii) requiring contribution by the lessee to the cost of construction of works as if the lessee were liable as owner under the **Local Government Act 1958**—
- were void; and
- (e) the lease contained a provision under which the lessee agrees to pay to the lessor the amount of any land tax charged to the owner of the land subject to the lease (other than any amount exceeding the amount payable by an owner owning that land and no other land); and
- S. 100(2)(f) amended by No. 28/1993 s. 6(1)(c).
- (f) if this Act or the lease provides for the fixing of re-appraised rents by the Minister or for rent review by the Minister—the lease

contained the provisions set out in subsections (3), (4), (5), and (6).

- (3) If a lease to which this section applies was entered into before the date of commencement of section 10 of the **Land (Amendment) Act 1983** and was continued in force by section 26 of that Act, section 134(4) of this Act as in force before the date of commencement of section 10 of that Act continues to apply to the lease, as if section 134(4)(a)(vi) and (vii) referred to a certified valuer appointed at the request of the lessor or lessee by the President of the Victorian Division of the Australian Institute of Valuers, instead of to the Minister.
- (4) The amount of re-appraised or reviewed rent must be determined having regard to the market rental value of the land subject to the lease, disregarding any improvements made by the lessee or sub-lessee during the term of the lease, and the amount of the re-appraised or reviewed rent is—
- (a) the amount agreed between the lessor and the lessee; or
  - (b) if, at least one month before the date fixed for re-appraisal or review of the rent in accordance with this Act or the lease, the lessor and lessee cannot agree as to the amount of the re-appraised or reviewed amount, such amount as is determined by a certified valuer appointed at the request of the lessor or lessee by the President of the Victorian Division of the Australian Institute of Valuers.
- (5) If improvements were made by a lessee under a previous lease and were not taken into account in the assessment of the rent under an existing lease of the land when the existing lease was entered into, those improvements must be disregarded in

S. 100(4)  
amended by  
No. 28/1993  
s. 6(2)(a).

S. 100(4)(b)  
amended by  
No. 28/1993  
s. 6(2)(b).

S. 100(5)  
amended by  
No. 28/1993  
s. 6(2)(a).

determining the amount of re-appraised or reviewed rent under the existing lease.

- (6) If a valuer is appointed in accordance with subsection (3) or (4) the parties to the lease are jointly and severally liable to pay the fee of the valuer.

Land Act 1958  
No. 6284 of 1958  
Part I—Crown lands generally

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Pt 1 Div. 7  
(Heading and  
ss 101–120)  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(r)–(w)  
(as amended  
by No. 7332  
s. 2(Sch. 1  
item 140)),  
7315  
s. 3(Sch. 1),  
7332  
s. 2(Sch. 1  
item 36), 8461  
ss 19–23,  
9427  
s. 6(1)(Sch. 5  
item 76),  
59/1986  
s. 143(2),  
121/1986  
s. 112, 81/1989  
s. 3(Sch.  
items 25.3–  
25.10),  
13/1990  
s. 41(d),  
52/1994  
s. 97(Sch. 3  
item 16.6),  
75/1994  
s. 16(a)(b),  
96/1994 ss 28,  
31(e)–(k), 35,  
52/1998  
s. 311(Sch. 1  
item 46),  
10/2004  
s. 15(Sch. 1  
item 14.3),  
26/2014  
s. 455(Sch.  
item 18),  
13/2019  
s. 221(Sch. 1  
items 25.1,  
25.2),  
repealed by  
No. 40/2020  
s. 41.

Pt 1 Div. 8  
(Heading)  
substituted by  
No. 96/1994  
s. 7.

## **Division 8—Agricultural leases, licences and permits**

Nos 4273  
ss 2–9, 11,  
4459 s. 7(3).

Pt 1 Div. 8  
Subdiv. 1  
(Heading and  
ss 121–129)  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(x)–(z)),  
9019  
s. 2(1)(Sch.  
item 99),  
10087  
s. 3(1)(Sch. 1  
item 127),  
41/1987  
s. 103(Sch. 4  
items  
39.13–39.17),  
18/1989  
s. 13(Sch. 2  
item 41(g)),  
92/1990  
s. 128(Sch. 1  
item  
13.3(a)(b)),  
52/1994  
s. 97(Sch. 3  
item 16.7),  
substituted as  
Pt 1 Div. 8  
Subdiv. 1  
(Heading and  
ss 121–126)  
by No.  
96/1994 s. 8.

### **Subdivision 1—Leases for agricultural purposes**

S. 121  
substituted by  
No. 96/1994  
s. 8.

#### **121 Granting of leases for agricultural purposes**

- (1) The Minister, or a person authorised in writing by the Minister, may grant a lease under this Division for agricultural purposes.

- (2) A lease granted under subsection (1) is subject to—
- (a) the payment of rent determined by the person granting the lease; and
  - (b) the terms, conditions, covenants, reservations, restrictions and exceptions that the person granting the lease thinks fit.
- (3) Without limiting subsection (2), a lease granted under subsection (1) may contain—
- (a) options for the lessee to renew the lease for a further term or terms; and
  - (b) provision for a lessee to remain in occupation of the land under the same terms and conditions as existed under the lease, at the discretion of the lessor, for a period not exceeding 3 months from the expiry of the lease.

**122 Term of lease**

S. 122  
substituted by  
No. 96/1994  
s. 8.

- (1) The term of a lease granted under section 121 must not exceed 35 years from the date it is granted.
- (2) If a lease contains options for renewal of the lease by the lessee, the aggregate of the original term and the further term or terms must not exceed 35 years.

**123 Land over which lease may be granted**

S. 123  
substituted by  
No. 96/1994  
s. 8.

A lease under this Division may be granted over—

- (a) unreserved Crown land;
- (b) Crown land reserved under section 4 of the **Crown Land (Reserves) Act 1978** which—
  - (i) is not vested in trustees; and

- (ii) is not vested in a municipal council;  
and
  - (iii) has not had a committee of  
management appointed; and
  - (iv) is not placed under the control and  
management of a person or body under  
section 18 of that Act;
- (c) unused roads;
  - (d) water frontages.

S. 124  
substituted by  
No. 96/1994  
s. 8.

#### **124 General conditions of leases**

Without limiting section 121, a lease may contain conditions regarding the following—

- (a) payment of rent in advance and rent review;
- (b) improvements on the leased land, including  
the ownership of improvements on the land;
- (c) fencing;
- (d) the destruction and control of vermin and  
noxious weeds;
- (e) destruction, removal, or use of forest  
produce;
- (f) entry, search for and removal of minerals,  
rock, soil or other similar materials;
- (g) compliance with directions issued by the  
Secretary regarding—
  - (i) grazing or management of the land  
(including fencing), or the number and  
type of stock which may be depastured  
on the land;
  - (ii) frequency, timing and method of  
cultivation;
  - (iii) water supply and other improvements;

S. 124(g)  
amended by  
No. 76/1998  
s. 11(b).

- (iv) reclamation of eroded areas and land degradation;
- (v) retention or clearance of native vegetation;
- (h) grazing;
- (i) water supply;
- (j) resumption of part or the whole of the leased land;
- (k) retention or clearance of native vegetation;
- (l) control of land degradation;
- (m) transferring, mortgaging, charging, sub-letting or otherwise encumbering by the lessee of his or her estate or interest in any part or the whole of the leased land;
- (n) entry by the Minister, authorised officers or appointed persons to monitor compliance with the lease or for other purposes;
- (o) consequences of non-compliance with the lease.

**125 Land leased under this Division deemed to be protected forest**

S. 125  
substituted by  
No. 96/1994  
s. 8.

- (1) Despite anything in any other Act, land held by a lessee under a lease under this Division is deemed to be protected forest for the purposes of the **Forests Act 1958**.
- (2) Subject to this Division, the **Forests Act 1958** applies to the leased land and the lessee in respect of that land.

S. 126  
substituted by  
No. 96/1994  
s. 8.

## 126 Amendment of folios of the Register on resumption of land

S. 126(1)  
amended by  
No. 76/1998  
s. 11(b).

- (1) If the Crown has resumed possession of the whole or any part of land leased under this Act, the Secretary must without delay notify the Registrar of Titles of the resumption.
- (2) The notice under subsection (1) must include a description of the land resumed.
- (3) The Registrar of Titles, on receiving that notification and on submission of any relevant certificate of title or other document, must make any amendments in the Register under the provisions of the **Transfer of Land Act 1958** that are necessary because of the resumption.
- (4) The holder of any relevant certificate of title or document required to be submitted under subsection (3) must deliver that certificate of title or other document to the Registrar of Titles.

Ss 127–129  
repealed by  
No. 96/1994  
s. 8.

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## Subdivision 2—Licences for agricultural purposes

Pt 1 Div. 8  
Subdiv. 2  
(Heading)  
substituted by  
No. 96/1994  
s. 9.

### 130 Granting of licences for agricultural purposes

Nos 3709  
s. 121, 4597  
s. 2(2), 4726  
s 2, 5189 s. 2.  
S. 130  
amended by  
Nos 7548  
s. 8(2)(a), 9183  
s. 4(1)(a)–(c),  
9212 s. 2(2),  
9805 s. 2(a)(b),  
10087  
s. 3(1)(Sch. 1  
item 127),  
41/1987  
s. 103(Sch. 4  
items 39.18,  
39.19),  
89/1994  
s. 38(a),  
substituted by  
No. 96/1994  
s. 10.

- (1) The Minister or a person authorised in writing by the Minister may grant a licence for agricultural purposes.
- (2) A licence granted under subsection (1) is subject to—
  - (a) the payment of a fee or fees determined by the person granting the licence; and
  - (b) the terms and conditions that the person granting the licence thinks fit.
- (3) Without limiting subsection (2), a licence granted under subsection (1) may contain options for the licensee to renew the licence for a further period or periods.

### 130AA Period of licence

S. 130AA  
inserted by  
No. 96/1994  
s. 10.

- (1) The period of a licence granted under section 130 must not exceed—
  - (a) in the case of a licence relating to a water frontage, 35 years from the date it is granted; or
  - (b) in the case of any other licence, 99 years from the date it is granted.
- (2) If a licence contains options for renewal of the licence by the licensee, the aggregate of the original period and the further period or periods must not exceed the maximum period permitted under subsection (1)(a) or (b) (as the case requires).

S. 130AB  
inserted by  
No. 96/1994  
s. 10.

### **130AB Land over which licence may be granted**

A licence under this Division may be granted over—

- (a) unreserved Crown land;
- (b) Crown land reserved under section 4 of the **Crown Land (Reserves) Act 1978** which—
  - (i) is not vested in trustees; and
  - (ii) is not vested in a municipal council; and
  - (iii) has not had a committee of management appointed; and
  - (iv) is not placed under the control and management of a person or body under section 18 of that Act;
- (c) unused roads;
- (d) water frontages.

S. 130AC  
inserted by  
No. 96/1994  
s. 10.

### **130AC General conditions regarding licences**

Without limiting section 130(2), a licence may contain conditions regarding the following—

- (a) payment of fees in advance and review of fees;
- (b) improvements on the land, including the ownership of improvements on the land;
- (c) fencing;
- (d) compliance with directions issued by the land manager regarding—
  - (i) grazing or management of the land (including fencing), or the number and type of stock which may be depastured on the land;
  - (ii) frequency, timing and method of cultivation;

S. 130AC(d)  
amended by  
Nos 76/1998  
s. 11(b),  
19/2018 s. 138.

- (iii) water supply and other improvements;
- (iv) reclamation of eroded areas and land degradation;
- (v) retention or clearance of native vegetation;
- (e) cancellation or termination;
- (f) clearing of land;
- (g) entry by the Minister, authorised officers or appointed persons to monitor compliance with the licence or for other purposes.

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S. 130A  
inserted by  
No. 48/1993  
s. 3,  
repealed by  
No. 96/1994  
s. 23.

### **130B Licence presumed where fee paid**

S. 130B  
inserted by  
No. 48/1993  
s. 3.

- (1) The land manager may send by post to a person who is the holder of a licence under this Division or a corresponding previous enactment, a notice for payment of the licence fee determined under this Division.
- (2) The sending of the notice constitutes an offer of a new licence to that person for the land covered by the current licence.
- (3) On payment by that person of the fee specified in the notice a new licence is deemed to have been granted under this Division to that person for that land.

S. 130B(1)  
amended by  
Nos 96/1994  
s. 32(1)(a)(b),  
76/1998  
s. 11(b),  
19/2018 s. 139.

S. 130B(3)  
amended by  
No. 96/1994  
s. 32(1)(a).

- (4) A licence referred to in subsection (3)—
- (a) remains in force for the period in respect of which the fee is paid; and
  - (b) otherwise, is subject to the same terms and conditions as applied to the licence originally granted to that person for that land; and
  - (c) is subject to the provisions of this Division and any regulations made for the purposes of this Division applying to that licence.
- (5) At the request of the licensee or the licensee's legal personal representative, the notice referred to in subsection (1) may be sent to—
- (a) a person to whom the licensee's interest has passed by operation of the law relating to the estates of people who have died; or
  - (b) any one or more of the licensees, if the licence is held by more than one person.
- (6) This section applies to a notice referred to in subsection (5)(a) as if the person to whom the notice is sent were a holder of the licence.

S. 130B(4)(b)  
amended by  
No. 96/1994  
s. 32(1)(c).

S. 130B(4)(c)  
amended by  
No. 96/1994  
s. 32(1)(a).

S. 130C  
inserted by  
No. 48/1993  
s. 3.

### **130C Licence not to expire on death of licensee**

S. 130C(1)  
amended by  
No. 96/1994  
s. 32(2)(a)–(c).

- (1) A licence granted under this Division or a corresponding previous enactment does not expire merely because of the death of the licensee.
- (2) Subsection (1) does not take away from any other provision of this Act, the regulations or the licence under which the licence may expire.

**130D Application of sections 130B and 130C**

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|--|--|
|  | <b>S. 130D<br/>inserted by<br/>No. 48/1993<br/>s. 3.</b>   |
| (1) Sections 130B and 130C have effect—  | <b>S. 130D(1)<br/>amended by<br/>No. 96/1994<br/>s. 32(3)(a).</b>  |
| (a) despite anything to the contrary in this<br>Division or a corresponding previous<br>enactment; and   | <b>S. 130D(1)(a)<br/>amended by<br/>No. 96/1994<br/>s. 32(3)(b).</b>   |
| (b) even though there is no application for a new<br>licence.  |  |
| (2) Sections 130B and 130C do not—   | <b>S. 130D(2)<br/>amended by<br/>No. 96/1994<br/>s. 32(3)(a).</b>  |
| (a) relieve a person from liability for breach of a<br>licence referred to in those sections; or   |  |
| (b) give a person a greater entitlement to<br>compensation for improvements on land than<br>the entitlement (if any) the person would<br>have if the person had not held the licence;<br>or  |  |
| (c) prevent the grant of a new licence under<br>section 130.   |  |
| (3) Sections 130B and 130C apply even if the licence<br>originally granted has been lost, if it appears from<br>records kept by the land manager that the licence<br>was originally granted. | <b>S. 130D(3)<br/>amended by<br/>Nos 96/1994<br/>s. 32(3)(a)(c),<br/>76/1998<br/>s. 11(b),<br/>19/2018 s. 140.</b> |
| (4) If—  |  |
| (a) the records kept by the land manager show<br>that a person has been granted a licence<br>under this Division or a corresponding<br>previous enactment but do not specify the             | <b>S. 130D(4)(a)<br/>amended by<br/>Nos 96/1994<br/>s 32(3)(b),<br/>76/1998<br/>s. 11(b),<br/>19/2018 s. 141.</b>  |

Land Act 1958  
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period for which the licence was granted;  
and

(b) the licence is lost—

the licence must be taken to have been granted for  
a period of 7 years.

S. 131  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(aa)),  
7332 s. 2  
(Sch. 1  
item 37), 8461  
s. 24(1),  
41/1987  
s. 103(Sch. 4  
item 39.20),  
81/1989  
s. 3(Sch.  
item 25.11),  
52/1994  
s. 97(Sch. 3  
items 16.8–  
16.10),  
repealed by  
No. 96/1994  
s. 23.

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S. 132  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(aa)),  
repealed by  
No. 96/1994  
s. 23.

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S. 133  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(aa)),  
8461  
s. 24(2)(a)–(c),  
repealed by  
No. 96/1994  
s. 23.

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### **Subdivision 3—Agistment permits**

Pt 1 Div. 8  
Subdiv. 3  
(Heading and  
s. 133A)  
inserted by  
No. 9183 s. 3.

#### **133A Agistment permits**

S. 133A  
inserted by  
No. 9183 s. 3.

- (1) The land manager or any person duly authorized by the land manager in that behalf may from time to time grant an agistment permit to any person to enter with cattle sheep or horses upon any reserve or other Crown lands not held under lease or licence under this Act or any repealed Act or taken up or required for the purposes of this Act.
- (2) Agistment permits shall be in writing and may be granted on a weekly or monthly basis.
- (3) The fee for an agistment permit shall be fixed by agreement or the calling of tenders whichever is considered appropriate by the person granting the permit.
- (4) If before the expiry of the term of an agistment permit the holder of the permit pays to the land manager the appropriate fee fixed under this section, the permit is deemed to be renewed for the same period as that of the previous permit.

S. 133A(1)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 127),  
76/1998  
s. 11(c)(i)(ii),  
19/2018  
s. 142(1).

S. 133A(4)  
substituted by  
No. 48/1993  
s. 4,  
amended by  
Nos 74/2000  
s. 3(Sch. 1  
item 66.1),  
19/2018  
s. 142(2).

Land Act 1958  
No. 6284 of 1958  
Part I—Crown lands generally

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Pt 1 Div. 8A  
(Heading and  
ss 133B,  
133C)  
inserted by  
No. 9183 s. 3,  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 127),  
41/1987  
s. 103(Sch.  
items  
39.21–39.23),  
52/1994  
s. 97(Sch. 3  
item 16.11),  
substituted as  
Pt 1 Div. 8  
Subdiv. 4  
(Heading and  
ss 133B–  
133G) by  
No. 96/1994  
s. 11.

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Pt 1 Div. 8  
Subdiv. 4  
(Heading)  
substituted by  
No. 96/1994  
s. 11.

### **Subdivision 4—General provisions relating to agricultural licences and leases**

S. 133B  
substituted by  
No. 96/1994  
s. 11,  
amended by  
Nos 76/1998  
s. 11(e),  
19/2018 s. 143.

#### **133B Remittance or waiver of rent or fees in times of hardship**

If, due to drought or other adversity, the income from the land of any lessee or licensee is seriously diminished for any period, the land manager, with the approval of the Minister, may remit out of available funds or waive all or part of the rent or fee paid or payable by the lessee or licensee for that period.

**133C Forfeiture of leases and cancellation of licences**

S. 133C  
substituted by  
No. 96/1994  
s. 11.

- (1) If the Minister is satisfied, after giving a lessee a reasonable opportunity to be heard, that the lessee has failed to comply with any of the conditions or covenants of the lease, the Minister may, by notice published in the Government Gazette, declare that the lease is forfeited.
- (2) If the Minister is satisfied, after giving a licensee a reasonable opportunity to be heard, that the licensee has failed to comply with any of the terms or conditions of the licence, the Minister may, by notice published in the Government Gazette, declare that the licence is cancelled.
- (3) On the declaration under this section that a lease is forfeited or a licence cancelled—
  - (a) any interest, right or privilege created by the lease or licence ceases to exist; and
  - (b) all money paid under the lease or licence is forfeited.
- (4) No compensation is payable for—
  - (a) the forfeiture of money to the Crown; or
  - (b) the vesting of improvements in the Crown; or
  - (c) the extinguishment of any interest, right or privilege—under this section.

**133D Compensation for improvements on forfeiture of lease or cancellation of licence**

S. 133D  
inserted by  
No. 96/1994  
s. 11.

- (1) On forfeiture of a lease or cancellation of a licence under section 133C or section 133F the lessee or licensee may remove all improvements on the land which are the property of the lessee or

S. 133D(1)  
amended by  
Nos 76/1998  
s. 11(e),  
19/2018  
s. 144(1).

licensee and must make good any damage to the land to the satisfaction of the land manager.

S. 133D(2)  
amended by  
Nos 76/1998  
s. 11(e),  
19/2018  
s. 144(2).

- (2) If an improvement is not removed from the land within a period specified by the land manager, it becomes the property of the Crown, and may be sold, removed, demolished or otherwise dealt with as the land manager directs.
- (3) To the extent that the costs of, or incidental to the sale, removal or demolition of any improvement on the land (including the making good of any damage to the land) exceed the net price received for the sale of any improvements or buildings, that amount becomes a debt due to the Crown by the former lessee or licensee.
- (4) In this section *improvement* includes growing crops.

S. 133E  
inserted by  
No. 96/1994  
s. 11.

#### **133E Termination of lease where no breach**

- (1) A lease may provide for termination by the person granting the lease even if there has been no breach by the lessee of any term, condition, covenant, reservation, restriction or exception in the lease.
- (2) Parts 3, 4, 6 to 8 and 10 of the **Land Acquisition and Compensation Act 1986** apply to the termination of a lease under this section as if the interest of the lessee had been compulsorily acquired under that Act, and for that purpose—
  - (a) the person granting the lease is the Authority; and
  - (b) this Act is the special Act.

S. 133F  
inserted by  
No. 96/1994  
s. 11.

#### **133F Cancellation of licence where no breach**

- (1) A licence may provide for cancellation by the person granting the licence even if there has been no breach by the licensee of any term or condition in the licence.

- (2) If a licence is cancelled under subsection (1), the licensee is entitled to a refund of an amount of the licence fee paid to be determined by the Minister on a pro rata basis, taking into account any period of the licence remaining at the date of the cancellation.
- (3) Except as provided in subsection (2), no compensation is payable in respect of the cancellation of a licence under this section.

**133G Notice of intention to grant lease or licence**

- (1) Before granting a lease or licence under this Division, the person granting the lease or licence must ensure that a notice of intention to grant that lease or licence is published in a newspaper circulating in the area where the land to be leased or licensed is located.
- (2) Subsection (1) does not apply to a grant to a person of a lease or licence over land held by that person under a lease or a licence under the **Land Act 1958** or a corresponding previous enactment immediately before the commencement of this section.

S. 133G  
inserted by  
No. 96/1994  
s. 11.

**Division 9—Leases and licences for  
non-agricultural purposes**

Pt 1 Div. 9  
(Heading)  
substituted by  
No. 96/1994  
s. 12(1).

**Subdivision 1—Leases for  
non-agricultural purposes**

Pt 1 Div. 9  
Subdiv. 1  
(Heading)  
substituted by  
Nos 10011  
s. 10, 96/1994  
s. 12(2).

**134 Minister may lease Crown land under this  
subdivision**

Nos 3709  
s. 125, 4095  
s. 5, 4654  
s. 3(3), 4873  
s. 7(2), 5350  
s. 2, 5426 s. 3.  
S. 134  
amended by  
Nos 6842  
s. 2(a)–(c),  
7228 s. 7(Sch.  
4 Pt 19(ba)),  
7499  
s. 47(a)(i)(ii)(b),  
7548 s. 2(e),  
8060 s. 3(b),  
8207 s. 2(a)–  
(c)(i)(ii), 8461  
s. 25(a)–(c),  
9183 s. 5(1),  
substituted by  
No. 10011  
s. 10.

S. 134(1)  
amended by  
No. 96/1994  
s. 13(1).

(1) Subject to this subdivision, the Minister on behalf of Her Majesty may grant leases under this subdivision of any Crown land for any purposes (except for the purposes of agriculture) at the rent and subject to the conditions, covenants, reservations, restrictions and exceptions which he thinks fit.

S. 134(1A)  
inserted by  
No. 40/2009  
s. 27(1).

(1A) The Minister may, for the purposes of entering into a lease of any Crown land under subsection (1), enter into an agreement to lease that land.

- (1B) If the Minister enters an agreement to lease Crown land under subsection (1A) and the agreement to lease gives a right to occupy land for a period of time, that period and the period of any lease entered into consequent on that agreement must not, when added together, exceed the maximum lease term permitted under this subdivision. **S. 134(1B) inserted by No. 40/2009 s. 27(1).**
- (2) Nothing in subsection (1) or (1A) constitutes an authority to lease any land which is reserved either temporarily or permanently under section 4 of the **Crown Land (Reserves) Act 1978** where the reservation of the land has not been revoked, unless— **S. 134(2) amended by No. 40/2009 s. 27(2).**
- (a) the lease is for the purpose of the manufacture or collection of salt; or
- (b) the lease is a special lease granted under section 137AA(4).

#### **134A Leasing of strata of Crown land**

**S. 134A inserted by No. 79/1993 s. 5.**

- (1) A lease under this subdivision may be granted—
- (a) without being limited to a particular stratum of Crown land; or
- (b) for a stratum of Crown land.
- (2) The Minister must not grant a lease under this subdivision for a stratum of Crown land unless he or she—
- (a) has first consulted the Council of the municipal district in which the stratum is located and, where a planning scheme applies to the stratum and the Minister administering the **Planning and Environment Act 1987** is the responsible authority, that Minister; and

- (b) is satisfied that—
- (i) each lessee for the time being under the lease can obtain reasonable access to and use of the land to be leased; and
  - (ii) the granting of the lease would not interfere with the exercise of rights by the registered proprietor, lessee or licensee of other land; and
  - (iii) provision has been made (in the lease or otherwise) for any necessary rights of support of the stratum or other land or of any building or structure erected or to be erected on those lands; and
  - (iv) provision has been made (in the lease or otherwise) for any necessary rights for the passage or provision of services (including drainage, sewerage, or the supply of water, gas, electricity or telephone) to or through the stratum, where those rights are necessary for the reasonable enjoyment of the stratum or other land; and
- (c) in the case of land described in subsection (5)(a) to (d), is also satisfied that the exercise of the lessee's rights under the lease will not interfere with the use of that land by the public.
- (3) In determining whether the requirements of subsection (2)(b)(i)(iii) and (iv) are met the matters which the Minister may take into account include, but are not limited to, any of the following—
- (a) the fact that the proposed lessee is the owner, lessee or occupier of land that can be used for access to or support of the stratum or for

- the provision of services to the stratum or through it to other land;
- (b) the fact that the lessee has obtained rights over neighbouring land sufficient to provide access to or support of the stratum, or for the provision of services to the stratum or through it to other land whether, those rights are proprietary interests or not, and however they are created;
- (c) the extent to which the rights referred to in paragraph (b) are capable of being enjoyed by the lessee's successors in title.
- (4) The granting under this subdivision of a lease of a stratum of Crown land is conclusive proof of compliance with subsection (2) in respect of the lease.
- (5) Despite section 134(2) and anything to the contrary in the **Crown Land (Reserves) Act 1978**, a lease under this subdivision may be granted for a stratum of Crown land even though the land is—
- (a) shown as a road on a map or plan kept in the Central Plan Office; or
- (b) proclaimed as a road or public highway under an Act; or
- (c) reserved as a road; or
- (d) a freeway or an arterial road within the meaning of the **Road Management Act 2004**—
- if the stratum covered by the lease does not include the level at which the road is constructed.
- (6) Without limiting section 134(1), the conditions, covenants, reservations, restrictions and exceptions in a lease for a stratum of Crown land

S. 134A(5)(d)  
amended by  
No. 12/2004  
s. 161(2).

may include, but are not limited to, provision for any of the following—

- (a) access to and use of the stratum;
  - (b) support of the stratum and of any building or structure erected or to be erected on it;
  - (c) access through the stratum to other land;
  - (d) support of other land;
  - (e) any necessary rights for the passage or provision of services to or through the stratum;
  - (f) the making and removal of improvements by the lessee;
  - (g) the prevention of interference by the lessee with the use or enjoyment of other land;
  - (h) the prevention of interference by the lessee with the use of any road by the public and the protection and maintenance and management of any road above or below the stratum.
- (7) Subject to subsection (5), the provisions of this Act applying to leases of Crown land under this subdivision also apply to leases of strata of Crown land under this subdivision.
- (8) Without limiting the circumstances in which a lease may be declared forfeit, a lease of a stratum of Crown land under this subdivision may be declared forfeit under this Act if the Minister is satisfied that, the lessee cannot have reasonable access to the leased stratum or there are no rights of support for the stratum or no necessary rights for the provision of services to or through the stratum.

- (9) Any building or structure erected on, and any use or development of, a stratum of Crown land leased under this subdivision is subject to any Act, subordinate instrument (within the meaning of the **Interpretation of Legislation Act 1984**) or local law relating to approval or plans and specifications or to the control of land use, including but not limited to the **Planning and Environment Act 1987** and any instrument made under that Act.
- (10) No compensation is payable by the Crown in respect of anything done under or arising out of subsection (5).

**135 Public auction or tender or private negotiation**

The Minister may lease land under this subdivision by offering the right to lease by public auction or public tender or by private negotiation.

Nos 3709  
s. 126, 4095  
s. 6, 4191 s. 2.  
S. 135  
amended by  
Nos 8060  
s. 3(a), 8207  
s. 3,  
substituted by  
No. 10011  
s. 10.

**136 Minister to give notice in writing of public auction or public tender**

The Minister shall, not less than fourteen days before—

- (a) the day on which a public auction of a lease of any Crown land is held; and
- (b) the last day on which tenders may be submitted to the Minister for the lease of any Crown land by public tender—

publish, in the Government Gazette and in a newspaper circulating in the district in which the land is situated, a notice specifying—

No. 3709  
s. 127.  
S. 136  
substituted by  
No. 10011  
s. 10.

- (c) the place and time of the auction or the last day on which tenders may be submitted to the Minister (as the case may be);
- (d) the particulars of the land which is to be leased; and
- (e) the purpose and term of the proposed lease.

No. 3709  
s. 128.  
S. 137  
amended by  
No. 8461 s. 26,  
substituted by  
No. 10011  
s. 10.

**137 Proposed lessee to give notice of lease arranged privately**

Where, under this subdivision, the Minister leases Crown land by private negotiation, the proposed lessee shall, not less than fourteen days before the day on which the lease is to be granted, publish in the Government Gazette and in a newspaper circulating in the district in which the land is situated, a notice specifying—

- (a) the particulars of the land which is to be leased;
- (b) the purpose and term of the proposed lease; and
- (c) the name of the proposed lessee.

S. 137AA  
inserted by  
No. 10011  
s. 10.

**137AA Term of lease**

- (1) Subject to this section, the term of a lease granted under this subdivision shall not exceed 21 years.
- (2) The term of a lease granted under this subdivision for commercial or industrial purposes may exceed 21 years but shall not, subject to subsection (3), exceed 50 years.
- (3) The Minister may grant a lease of land for commercial or industrial purposes under this subdivision for a term of more than 50 years but not more than 99 years if the Minister is satisfied that—

S. 137AA(3)  
substituted by  
No. 40/2009  
s. 28(1).

- (a) a building or structure erected or to be erected on the land; or

- (b) an improvement made or to be made on or to the land—  
is of a substantial nature and of a value which justifies a lease term exceeding 50 years.
- (4) Notwithstanding anything in the **Crown Land (Reserves) Act 1978**, where there is on any Crown land any improvement which is of a substantial nature and is the property of the Crown, the Minister on behalf of Her Majesty, may grant a special lease of the land for a term not exceeding 99 years. **S. 137AA(4) amended by No. 40/2009 s. 28(2).**
- (5) Without limiting section 134, a lease granted under that section may contain— **S. 137AA(5) inserted by No. 96/1994 s. 13(2).**
- (a) options for the lessee to renew the lease for a further term or terms; and
- (b) provision for a lessee to remain in occupation of the land under the same terms and conditions as existed under the lease, at the discretion of the lessor, for a period not exceeding 3 months from the expiry of the lease.
- (6) In the case of a lease under subsection (1), if the lease contains options for renewal of the lease by the lessee, the aggregate of the original term and the further term or terms must not exceed 21 years. **S. 137AA(6) inserted by No. 96/1994 s. 13(2).**
- (7) In the case of a lease under subsection (2), if the lease contains options for renewal of the lease by the lessee, the aggregate of the original term and the further term or terms must not exceed 50 years. **S. 137AA(7) inserted by No. 96/1994 s. 13(2).**
- (8) In the case of a lease under subsections (3) or (4), if the lease contains options for renewal of the lease by the lessee, the aggregate of the original term and the further term or terms must not exceed 99 years. **S. 137AA(8) inserted by No. 96/1994 s. 13(2).**

S. 137AAA  
inserted by  
No. 28/1993  
s. 5.

### **137AAA Rent in advance**

- (1) A lease under this subdivision may provide for the whole or any part of the rent under the lease to be payable in advance.
- (2) The fact that a lease under this subdivision provides for the payment of the whole of the rent in advance does not affect its status as a lease.
- (3) If a lease under this subdivision is forfeited, the Minister may refund the whole or any part of rent paid in advance, after taking into account the following—
  - (a) the reasons for the forfeiture;
  - (b) any expenses associated with the forfeiture or with seeking a new lessee;
  - (c) whether any new lease of the land is on terms and conditions less favourable to the lessor than those in the forfeited lease;
  - (d) any other commercial considerations that the Minister considers relevant.
- (4) The Consolidated Fund is by this subsection appropriated to the necessary extent to pay refunds under subsection (3).
- (5) Subsection (3) has effect despite anything to the contrary in this Act.

S. 137AB  
inserted by  
No. 10011  
s. 10,  
substituted by  
No. 28/1993  
s. 7.

### **137AB Rent review**

- (1) Subject to subsection (2), a lease under this subdivision may provide for rent review.
- (2) A provision for rent review in a lease under this subdivision must not permit rent to be reviewed more than once in each period of 12 months during the term of the lease.

**137AC Replacement leases**

The Minister on behalf of Her Majesty may grant to a lessee under this subdivision a replacement lease in substitution for his existing lease and on the grant of a replacement lease the lease for which it is substituted shall be cancelled.

S. 137AC  
inserted by  
No. 10011  
s. 10.

**137AD Leases may not be assigned etc. without Minister's consent**

A lessee under this subdivision shall not transfer or assign his interest under the lease or sub-let or encumber the land without first obtaining the written consent of the Minister.

S. 137AD  
inserted by  
No. 10011  
s. 10.

**137AE Lease granted to generation company**

S. 137AE  
inserted by  
No. 48/1996  
s. 22.

(1) Section 134A(2)(a) does not apply in respect of a lease of a stratum of Crown land if the lease is granted to a generation company within the meaning of the **Electricity Industry Act 2000** and is in respect of land used for the purposes of the generation of electricity for supply or sale.

S. 137AE(1)  
amended by  
No. 69/2000  
s. 55(1).

(2) Section 137 does not apply to a lease of Crown land if the lease is granted to a generation company within the meaning of the **Electricity Industry Act 2000** and is in respect of land used for the purposes of the generation of electricity for supply or sale.

S. 137AE(2)  
amended by  
No. 69/2000  
s. 55(1).

(3) A lease granted to a generation company within the meaning of the **Electricity Industry Act 2000** in respect of land used for the purposes of the generation of electricity for supply or sale does not bring the land under the operation of the **Transfer of Land Act 1958**, despite anything to the contrary in that Act, if that lease includes a provision referring to this section and expressly

S. 137AE(3)  
amended by  
No. 69/2000  
s. 55(1).

stating that the land is not brought under the operation of that Act.

S. 137A  
inserted by  
No. 8763  
s. 2(1) (as  
amended by  
No. 9126  
s. 3(1)).

### 137A Industrial leases and industrial development leases

S. 137A(1)  
amended by  
Nos 9427  
s. 6(1)(Sch. 5  
item 77), 9567  
s. 20.

- (1) The Governor in Council may, on the recommendation of the Minister given with the concurrence of the Minister for the time being administering the **Economic Development Act 1981**, grant to any person—

- (a) an industrial lease; or
- (b) an industrial development lease—

of Crown land outside the metropolitan area for the establishment or expansion of an industrial undertaking.

S. 137A(2)  
amended by  
No. 9567 s. 20.

- (2) The Governor in Council may, on the recommendation of the Minister given with the concurrence of the Minister for the time being administering the **Economic Development Act 1981** grant to any person an industrial development lease of such Crown lands as would be reasonably required for the housing of persons engaged or to be engaged in an industry to be established or expanded outside the metropolitan area.

S. 137A(2A)  
inserted by  
No. 96/1994  
s. 14(1).

- (2A) Without limiting subsection (1) or (2), a lease granted under either of those subsections may contain—
- (a) options for the lessee to renew the lease for a further term or terms; and
  - (b) provision for a lessee to remain in occupation of the land under the same terms and conditions as existed under the lease, at

the discretion of the lessor, for a period not exceeding 3 months from the expiry of the lease.

- (3) An industrial lease granted under this section shall be granted for a term not exceeding fifty years except that where the Minister is satisfied that a building erected or to be erected under a covenant in the lease is or will be of a substantial nature and of a value which justifies it the Governor in Council may grant a lease of the land for a term not exceeding 99 years. **S. 137A(3) substituted by No. 10011 s. 11.**
- (3A) In the case of a lease under subsection (3), if the lease contains options for renewal of the lease by the lessee, the aggregate of the original term and the further term or terms must not exceed— **S. 137A(3A) inserted by No. 96/1994 s. 14(2).**
- (a) 50 years; or
- (b) if the Minister is satisfied that a building erected or to be erected under the lease is or will be of a substantial nature, 99 years.
- (4) An industrial development lease granted under subsection (1) or subsection (2) shall be for a term not exceeding five years and shall be subject to the payment of such rental and such building and development covenant and other covenants conditions exceptions and reservations as the Governor in Council thinks fit.
- (4A) In the case of a lease under subsection (4), if the lease contains options for renewal of the lease by the lessee, the aggregate of the original term and the further term or terms must not exceed 5 years. **S. 137A(4A) inserted by No. 96/1994 s. 14(3).**
- (5) After the expiry of a period of two years from the date of an industrial development lease or such earlier time as the Minister for the time being administering the **Economic Development Act 1981** approves in any particular case the lessee may apply for a Crown grant or an **S. 137A(5) amended by Nos 9427 s. 6(1)(Sch. 5 item 77), 9567 s. 20.**

industrial purchase lease and provided that all the covenants and conditions of the lease have been complied with to the satisfaction of the Minister and the Minister for the time being administering the **Economic Development Act 1981** the lessee shall be entitled to such grant or lease.

- (6) Where an industrial purchase lease is granted under subsection (5) it shall for the purposes of subsection (3) of section 61 be deemed to be granted in substitution for the industrial development lease.
- (7) Where a lessee obtains a Crown grant or an industrial purchase lease under subsection (5) the industrial development lease of the land shall cease to have any force or effect.
- (8) The purchase price of the land the subject of any Crown grant or industrial purchase lease shall be fixed by the Governor in Council.
- (9) An industrial purchase lease shall be for a term not exceeding twenty years and shall be subject to payment of such instalments and interest and such covenants conditions exceptions and reservations as the Governor in Council thinks fit.
- (10) On payment of the purchase price and interest the lessee of an industrial purchase lease shall be entitled to a Crown grant.
- (11) The lessee of an industrial lease, an industrial development lease or an industrial purchase lease shall not assign or encumber his interest in the land without the consent of the Minister.
- (12) If the Minister, after a public hearing under section 34 of which prior notice was given to every mortgagee of the lessee's interest, is satisfied that the lessee of any land granted under this section has failed to perform or comply with any of the covenants or conditions of his lease, the

Governor in Council may by notice published in the Government Gazette declare the lease to be forfeited.

- (13) Upon the making of a declaration under subsection (12) the interest created by the lease shall cease and determine and the right and title of the lessee in and to the lease and the land therein described and all moneys paid thereunder shall be forfeited.
- (14) On forfeiture of the lease the lessee shall if so required by the Minister remove all buildings and improvements erected by him on the demised land making good to the satisfaction of the Minister any injury to the land.
- (15) Any such building or improvements not removed within such period as the Minister directs shall be the property of the Crown and may be sold removed demolished or otherwise dealt with as the Minister may direct and the costs and expenses of and incidental to any sale removal demolition and the making good of any injury to the land to the extent to which they exceed the net price received from the sale of any improvements or buildings shall be a debt due to the Crown by the former lessee.
- (16) A Crown grant issued pursuant to this section shall contain such conditions exceptions and reservations as the Governor in Council thinks fit.
- (17) In this section *metropolitan area* means—
- (a) *metropolitan area* within the meaning of section 201 of the **Melbourne and Metropolitan Board of Works Act 1958** (as in force immediately before its repeal); or
  - (b) any area declared by the Governor in Council under subsection (18) to be the metropolitan area.

S. 137A(17)  
amended by  
No. 45/1987  
s. 205(Sch.  
item 39),  
substituted by  
No. 85/2006  
s. 173(Sch. 1  
item 2.1).

S. 137A(18)  
inserted by  
No. 85/2006  
s. 173(Sch. 1  
item 2.1).

(18) The Governor in Council may, by Order published in the Government Gazette, declare an area to be the metropolitan area for the purposes of this section.

S. 137A(19)  
inserted by  
No. 85/2006  
s. 173(Sch. 1  
item 2.1).

(19) An Order made under subsection (18) may apply, adopt or incorporate any matter contained in any document formulated, issued, prescribed or published by any person, whether—

- (a) wholly or partially or as amended by order or other instrument; or
- (b) as formulated, issued, prescribed or published at the time the order is made or at any time before then.

S. 137A(20)  
inserted by  
No. 85/2006  
s. 173(Sch. 1  
item 2.1),  
amended by  
No. 51/2016  
s. 20.

(20) Subsection (19) does not apply to the incorporation of a map or plan of an area of land unless the map or plan is lodged in the Central Plan Office.

Pt 1 Div. 9  
Subdiv. 1A  
(Heading and  
ss 137B–  
137H)  
inserted by  
No. 10011  
s. 12.

## Subdivision 1A—Conditional purchase leases

S. 137B  
inserted by  
No. 10011  
s. 12.

### 137B Conditional purchase lease

S. 137B(2)  
amended by  
No. 85/2006  
s. 173(Sch. 1  
item 2.2).

- (1) In this subdivision *conditional purchase lease* means a lease under this subdivision.
- (2) The Minister, on behalf of Her Majesty, may grant to an applicant a conditional purchase lease of any Crown land which is not within the metropolitan area (as defined in section 137A) where—
  - (a) the lease is for an area of not more than two hectares of land; and

- (b) the lease is for the purposes of—
  - (i) a dwelling; or
  - (ii) a commercial or industrial purpose of which the Minister approves.
- (3) The Minister shall not grant a conditional purchase lease to a person who holds, or who has ever held, a conditional purchase lease.

**137C Terms and conditions**

S. 137C  
inserted by  
No. 10011  
s. 12.

A conditional purchase lease shall be granted—

- (a) for such term not exceeding ten years and subject to the payment of such instalments and interest as the Minister thinks fit;
- (b) on condition that buildings or improvements of the value specified in the lease are erected within the time specified in the lease; and
- (c) on any other conditions and subject to any covenants, reservations, restrictions or exemptions which the Minister thinks fit.

**137D Purchase on certain conditions**

S. 137D  
inserted by  
No. 10011  
s. 12.

Where the Minister is satisfied that the lessee under a conditional purchase lease—

- (a) has erected the buildings or improvements specified in the lease pursuant to section 137C(b); and
- (b) has occupied the land for not less than one year and complied with all conditions, covenants, reservations, restrictions and exemptions to which the lease is subject—

the lessee shall, on payment of the full purchase price of the land, which price shall be fixed by the Minister, be entitled to a grant in fee simple of the land.

S. 137E  
inserted by  
No. 10011  
s. 12.

**137E Crown grant to be subject to conditions etc. as Governor in Council sees fit**

A Crown grant issued under the provisions of this subdivision shall be subject to any covenants, conditions, restrictions, reservations or exceptions which the Governor in Council sees fit to include.

S. 137F  
inserted by  
No. 10011  
s. 12.

**137F Lease not to be transferred etc. without Minister's consent**

A lessee under this subdivision shall not transfer or assign his interest under the lease or sub-let or encumber the land without first obtaining the written consent of the Minister.

S. 137G  
inserted by  
No. 10011  
s. 12.

**137G Minister may declare lease forfeited**

- (1) Where the Minister is satisfied that a lessee under this subdivision has failed to comply with any covenant or condition of the lease, and that the lessee has not rectified the matter within 30 days after receiving notice from the Minister to do so, the Minister may declare by notice published in the Government Gazette that the lease is forfeited.
- (2) The Minister shall not declare under subsection (1) that a lease is forfeited unless—
  - (a) a hearing under section 34 has been held in respect of the forfeiture; and
  - (b) every mortgagee of the lessee's interest was given seven days' notice of the hearing.

S. 137H  
inserted by  
No. 10011  
s. 12.

**137H Effect of forfeit of lease**

Where a declaration is made under section 137G(1), any interest created under the lease shall cease and the right and title of the lessee to the lease and the land and any money paid under the lease shall be forfeited.

## Subdivision 2—Licences &c.<sup>6</sup>

### 138 Minister or authorized person may grant licences

Nos 3709  
s. 129, 4319  
s. 19(1)(a).  
S. 138  
amended by  
Nos 8461  
s. 27(a)(b),  
9805 s. 2(c)(d),  
substituted by  
No. 10011  
s. 13.

(1) The Minister or a person duly authorized by him may grant to an applicant a licence to enter and use for any purpose which the person granting the licence thinks fit (except for agricultural purposes or a purpose for which a licence under sections 140A, 140I and 142 may be granted) any Crown land which is not held under a lease under this Act.

S. 138(1)  
amended by  
Nos 96/1994  
s. 15(a),  
40/2020 s. 42.

(2) Subject to subsections (3) and (4), nothing in subsection (1) constitutes an authority to grant a licence to enter and use any land which is reserved either temporarily or permanently under section 4 of the **Crown Land (Reserves) Act 1978** where the reservation of the land has not been revoked.

S. 138(2)  
amended by  
No. 96/1994  
s. 15(b).

(3) The Minister or any person duly authorized by him may grant a licence to enter land which is reserved either temporarily or permanently under section 4 of the **Crown Land (Reserves) Act 1978**, notwithstanding that the reservation has not been revoked—

S. 138(3)  
amended by  
No. 81/1989  
s. 3(Sch. item  
25.12).

(a) where the purpose of the licence is—

- (i) to remove materials from the bed or banks of any waterway on the land;
- (ii) to manufacture and remove salt; or

(iii) to seek and remove gemstones or any other objects specified in the licence; and

(b) where the land is not vested in trustees or in a municipality and is not under the control of a committee of management or of a person or body pursuant to section 18(1) of the **Crown Land (Reserves) Act 1978**.

(4) A licence under this subdivision may be granted over an unused road or water frontage.

S. 138(4)  
inserted by  
No. 96/1994  
s. 15(c).

S. 138A  
inserted by  
No. 90/1989  
s. 7(1).

### 138A Licence for strata of Crown land

S. 138A(1)  
repealed by  
No. 79/1993  
s. 6(a).

\* \* \* \* \*

(2) A licence under section 138 may be granted—

(a) without being limited to a particular stratum;  
or

(b) for a stratum of Crown land.

(3) A licence for a stratum of Crown land must not be granted unless the person granting the licence—

(a) has first consulted the council of the municipal district in which the stratum is located and, where a planning scheme applies to the stratum and the Minister administering the **Planning and Environment Act 1987** is the responsible authority, that Minister; and

- (b) is satisfied that—
- (i) the licensee can obtain reasonable access to and use of the land to be licensed; and
  - (ii) a licence under this Act is not in force for the stratum; and
  - (iii) the granting of the licence would not interfere with the exercise of rights under any other licence for a stratum or for land.
- (4) Examples of the matters which must be taken into account by a person authorised to grant a licence under subsection (3)(b)(i) include but are not limited to the following:
- (a) The fact that the stratum is to be used as a crossing over or tunnel under the surface of the land, for the purpose of passing between 2 pieces of land owned or occupied by the applicant for the licence;
  - (b) The fact that the stratum is to be used as a crossing over or tunnel under the surface of land and that the licensee has obtained rights of access to neighbouring land sufficient to enable the licensee to use the crossing or tunnel, whether those rights are interests in land or are created by agreement or otherwise;
  - (c) If the licensee proposes to erect a building or structure, the fact that provision has been made for the support of the building or structure, whether by the creation of proprietary interests or rights under an agreement, or in any other way.

- S. 138A(5)  
amended by  
No. 79/1993  
s. 6(c).
- (5) Despite section 138(2), a licence over a stratum of Crown land may be granted even though the land is—
- S. 138A(5)(a)  
amended by  
No. 51/2016  
s. 21.
- (a) shown as a road on a map or plan kept in the Central Plan Office; or
- (b) proclaimed as a road or public highway under an Act; or
- S. 138A(5)(c)  
amended by  
No. 79/1993  
s. 6(b).
- (c) reserved as a road under the **Crown Land (Reserves) Act 1978**; or
- S. 138A(5)(d)  
inserted by  
No. 79/1993  
s. 6(b),  
amended by  
No. 12/2004  
s. 161(2).
- (d) a freeway or an arterial road within the meaning of the **Road Management Act 2004**—
- if the person granting the licence is satisfied that the exercise of the licensee's rights under the licence would not interfere with the use of the road by the public and the stratum covered by the licence does not include the level at which the road is constructed.
- (6) Section 140 does not apply to a licence for a stratum of Crown land.
- (7) A licence for a stratum of Crown land—
- (a) is subject to any conditions determined by the person granting the licence, specified in the licence and relating to—
- (i) access to and use of the stratum; or
- (ii) support of any building or structure to be erected on the stratum; or

- (iii) the making and removal of improvements by the licensee; or
  - (iv) the prevention of interference by the licensee with the exercise of rights under licence for other strata or other land; or
  - (v) the prevention of interference by the licensee with the use of any road by the public; and
- (b) is subject to any other conditions that the person granting the licence determines and specifies in the licence; and
- (c) may be granted or renewed—
- (i) for a term of not more than 21 years; or
  - (ii) if the Minister grants or renews the licence or approves its grant or renewal for a longer term, for a term of not more than 50 years.
- (8) Subject to subsection (6), the provisions of this Act applying to licences under section 138 apply to licences for a stratum of Crown land as if those provisions referred to a stratum of Crown land instead of to land.
- (9) Without limiting section 140F(2), a licence for a stratum of Crown land may be declared forfeit under that subsection if the Minister is satisfied that, because an interest right or power has ceased to have effect or no longer exists or for any other reason, the licensee cannot have reasonable access to or use of the stratum covered by the licence.
- (10) Any building or structure erected on, and any use or development of, a stratum of Crown land licensed under this section is subject to any Act, subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984** or local

law relating to approval of plans and specifications or to the control of land use, including, but not limited to, the **Planning and Environment Act 1987** and any instrument made under that Act.

- (11) The Governor in Council may, by Order published in the Government Gazette, authorise the occupation without licence of any stratum or strata of Crown land.
- (12) An Order made by the Governor in Council—
- (a) may be general or may be limited to a class of occupation, class of persons, class of land use or development, or class of circumstances; and
  - (b) authorises occupation subject to any conditions stated in the Order.
- (13) Despite anything to the contrary in this section, but subject to subsection (14), a licence may not be granted for the construction or use of a footbridge, pedestrian way, vehicle bridge or link on a stratum of Crown land above, or partly above, the surface of the lands shown hatched on the plan in Schedule Three B.
- (14) Subsection (13) does not prevent the granting of a licence for the construction or use of a pedestrian bridge above Lonsdale Street, Melbourne, between the land known as 284 to 310 Lonsdale Street and the land known as 275 to 321 Lonsdale Street.

No. 3709  
s. 130.  
S. 139  
substituted by  
No. 10011  
s. 13,  
amended by  
No. 90/1989  
s. 8(a).

### **139 Buildings etc. erected under licence to be removed on expiry**

- (1) Where, under a licence granted under section 138, the erection of buildings or structures on the land is permitted, the licensee shall on the expiry of the licence remove the buildings or structures erected by him within the time specified by the person

granting the licence, and shall make good any injury done to the land by the erection or removal of the buildings or structures, and any building or structure not removed within the specified time shall become the property of the Crown.

- (2) If a provision in a licence for a stratum of Crown land is inconsistent with a provision of subsection (1), the provision in the licence prevails.

S. 139(2)  
inserted by  
No. 90/1989  
s. 8(b).

#### **140 Terms and conditions**

- (1) A licence granted under section 138 shall—

Nos 3709  
s. 131, 4181  
s. 5, 4319  
s. 19(1)(b).

- (a) be subject to any terms and conditions which the person granting the licence thinks fit; and

S. 140  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(ca)(i)(ii)),  
8461 s. 28,  
substituted by  
No. 10011  
s. 13,  
amended by  
No. 40/2009  
s. 29 (ILA  
s. 39B(1)).

- (b) be for a term not exceeding 10 years and may be renewed by the person authorised to grant licences under this subdivision.

S. 140(b)  
substituted by  
No. 96/1994  
s. 16.

- (2) Despite subsection (1), a licence granted under section 138 may be for a term exceeding 10 years if the proposed licensee is leasing land adjacent to the land in respect of which the person may be granted a licence and the adjacent land is managed under this Act.

S. 140(2)  
inserted by  
No. 40/2009  
s. 29.

- (3) The term of the licence to which subsection (2) applies may be for a period not exceeding whichever is the lesser of the following—

S. 140(3)  
inserted by  
No. 40/2009  
s. 29.

- (i) 21 years;

- (ii) the term of the lease granted in respect of the adjacent land.

S. 140(4)  
inserted by  
No. 40/2009  
s. 29.

- (4) In granting a licence with a term exceeding 10 years under subsection (2), the person who grants the licence, must be satisfied that a licence term longer than 10 years is necessary to ensure the proposed licensee has continued use of the land in respect of which the licence would be granted for the duration of the lease over the adjacent land.

S. 140AA  
inserted by  
No. 48/1996  
s. 23,  
amended by  
No. 69/2000  
s. 55(2).

#### **140AA Licence granted to generation company**

Despite section 140(b), a licence may be granted under section 138 for a term not exceeding 99 years if the licence is granted to a generation company within the meaning of the **Electricity Industry Act 2000** and is in respect of land used for the purposes of the generation of electricity for supply or sale.

Heading  
preceding  
s. 140A  
inserted by  
No. 8310 s. 2.

#### **Licences for Jetties and Landing Stages etc.**

S. 140A  
inserted by  
No. 8310 s. 2.

#### **140A Grant of licences for jetties landing stages etc.**

- (1) The Governor in Council or any person duly authorized by him in that behalf may grant licences in respect of any Crown lands described in the Seventeenth Schedule for the purposes of a jetty landing stage boat ramp slipway net rack or mooring.
- (2) Licences may be granted in respect of Crown lands which are permanently or temporarily reserved under the **Crown Land (Reserves) Act 1978** or any corresponding previous enactment.

S. 140A(2)  
amended by  
No. 9212  
s. 2(2).

(3) Prior to a licence being granted in respect of any land the Minister shall obtain a report from—

(a) the Department Head of the Department;

S. 140A(3)(a)  
amended by  
Nos 76/1998  
s. 11(f),  
51/2016 s. 22.

(b) the committee of management (if any) of the land; and

(c) the municipal council of the municipal district in which the land is situated.

**140B Notice of intention to apply for a licence to be published**

S. 140B  
inserted by  
No. 8310 s. 2.

(1) Notice of intention to apply for a licence setting out the purpose for which and the land in respect of which such licence is sought shall—

(a) be published by the applicant in a newspaper circulating in the district in which the land is situated; and

(b) be posted by the applicant in a conspicuous place on the land for fourteen days after such publication—

and a copy of such notice shall accompany the application.

(2) Any objections to the granting of a licence shall be in writing and shall be lodged with the land manager within seven days after the expiration of the period during which notice is to be posted under paragraph (b) of subsection (1) and no licence shall be granted until the period for objections has expired.

S. 140B(2)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 127),  
41/1987  
s. 103(Sch. 4  
item 39.24),  
76/1998  
s. 11(g),  
19/2018 s. 145.

(3) Where before the coming into operation of the **Land (Jetties and Marinas) Act 1972** any person has erected a jetty slipway ramp landing stage or other structure in accordance with plans and specifications approved by the Public Works

Department and such structure has been maintained in a manner satisfactory to the Department, he shall apply for a licence under section 140A but shall not be required to publish or post notice of his application.

S. 140C  
inserted by  
No. 8310 s. 2.

#### **140C Term of licence**

- (1) A licence shall be for a term not exceeding one year and thereafter may be renewed annually by the Governor in Council or a person authorized by him to grant or renew licences.
- (2) The grant of a licence may confer a right to renew annually for a further period not exceeding six years.

S. 140D  
inserted by  
No. 8310 s. 2,  
amended by  
No. 9805  
s. 2(e),  
substituted by  
No. 9861  
s. 3(1).

#### **140D Licence to specify purpose conditions etc.**

A licence shall—

- (a) specify the purpose for which it is granted;
- (b) be subject to such covenants conditions reservations and restrictions as are specified in it; and
- (c) be subject to the payment of a licence fee.

S. 140DA  
inserted by  
No. 9805  
s. 2(f).

#### **140DA Licence fee**

S. 140DA(1)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 127),  
41/1987  
s. 103(Sch. 4  
item 39.25),  
76/1998  
s. 11(h),  
19/2018 s. 146.

- (1) The amount of the licence fee referred to in section 140D shall be fixed by the land manager or by any person duly authorized by the land manager in that behalf.

- (2) The licence fee fixed pursuant to subsection (1) shall be not less than the minimum licence fee determined from time to time by the Minister in respect of licences under section 140A.

**140E Renewal presumed where fee paid**

S. 140E  
inserted by  
No. 8310 s. 2,  
amended by  
No. 9805  
s. 2(e),  
substituted by  
Nos 9861  
s. 3(1),  
48/1993 s. 5.

- (1) The sending by the land manager to a licensee of a notice for payment of the appropriate renewal fee determined under this subdivision constitutes an offer to renew the licence.
- (2) The payment of the fee specified in that notice constitutes a renewal of the licence for the same period and otherwise on the same covenants, conditions, reservations and restrictions as applied to the previous licence.
- (3) This section is in addition to any other method of renewing a licence.
- (4) This section applies to licences of every kind under this subdivision.

S. 140E(1)  
amended by  
Nos 76/1998  
s. 11(h),  
19/2018 s. 147.

**140F Conditions associated with licence of land**

S. 140F  
(Heading)  
inserted by  
No. 19/2018  
s. 148(1).

S. 140F  
inserted by  
No. 8310 s. 2.

S. 140F(1)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 127),  
41/1987  
s. 103(Sch. 4  
item 39.26),  
76/1998  
s. 11(h),  
19/2018  
s. 148(2).

- (1) A licensee shall not transfer or assign his interest in the licence without the prior consent in writing of the land manager.
- (2) If a licensee fails at any time during the term of a licence to use the land for the purpose for which it is licensed or if he uses the land for any purpose other than that named in the licence or if he fails to perform or comply with any covenant or condition of the licence the Minister may by notice published in the Government Gazette declare the licence to be forfeited.
- (3) Notwithstanding any right to renew a licence, should the whole or any portion of any land licensed at any time be required for any public purpose, the licensee shall be given not less than twelve months' notice in writing under the hand of the Minister to deliver to Her Majesty Her heirs and successors the land so required.

- (4) No compensation shall be payable by the Crown in respect of land or buildings or structures or other improvements upon the expiry or the termination of any licence.
- (5) It shall be lawful on or before the expiry or determination of the licence for the outgoing licensee to remove all structures or improvements erected by him on the licensed land making good any injury which may be done to the land.
- (6) Any structure or improvement not removed before the expiry or determination of the licence or within such further period as the land manager may allow shall be the property of the Crown and may be sold removed or demolished as the land manager may direct and the costs and expenses incidental to the demolition and of the making good of any injury to the land shall be a debt due to the Crown by the licensee.
- (7) If a provision in a licence for a stratum of Crown land is inconsistent with a provision of subsection (6), the provision in the licence prevails.

S. 140F(6)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 127),  
41/1987  
s. 103(Sch. 4  
items 39.26,  
39.27),  
76/1998  
s. 11(h),  
19/2018  
s. 148(3).

S. 140F(7)  
inserted by  
No. 90/1989  
s. 8(c).

\* \* \* \* \*

S. 140G  
inserted by  
No. 8310 s. 2,  
substituted by  
No. 9861  
s. 3(1),  
amended by  
No. 31/1994  
s. 3(Sch. 1  
item 36),  
repealed by  
No. 40/2020  
s. 43.

## **Tour operator licences**

Heading  
preceding  
s. 140H  
inserted by  
No. 40/2009  
s. 30.

### **140H Offence to conduct organised tour or recreational activity on Crown land if unlicensed**

S. 140H  
inserted by  
No. 8310 s. 2,  
amended by  
No. 9805  
s. 2(g),  
repealed by  
No. 9861  
s. 3(1),  
new s. 140H  
inserted by  
No. 40/2009  
s. 30.

- (1) A person must not conduct an organised tour or recreational activity for profit on Crown land that is not held under a lease under this Act unless that person holds a tour operator licence.

Penalty: In the case of a natural person,  
20 penalty units;

In the case of a body corporate,  
100 penalty units.

- (2) Subsection (1) does not apply to a person who conducts an activity on Crown land and who holds a lease, licence (other than a tour operator licence) or permit under this Act or the regulations to conduct that particular activity.
- (3) On the recommendation of the Minister, the Governor in Council may, by Order published in the Government Gazette, exempt classes of persons from the requirement to hold a tour operator licence under subsection (1).

### **140I Grant of tour operator licence**

S. 140I  
inserted by  
No. 40/2009  
s. 30.

- (1) The Minister or a person authorised by the Minister may grant a licence to a person to conduct an organised tour or recreational activity for profit on Crown land that is not held under a lease under this Act.
- (2) The Minister or a person authorised by the Minister may grant a licence under subsection (1) for a period not exceeding 10 years.

- (3) On and from 1 July 2023, in relation to land in the Great Ocean Road coast and parks, a reference to the Minister or a person authorised by the Minister in this section is a reference to the Great Ocean Road Coast and Parks Authority, regardless of whether or not the Great Ocean Road Coast and Parks Authority has been appointed as land manager.

S. 140(3)  
inserted by  
No. 42/2021  
s. 88.

**140J Application for tour operator licence**

S. 140J  
inserted by  
No. 40/2009  
s. 30.

- (1) A person may apply for a tour operator licence to the Minister or a person authorised by the Minister in respect of the land on which the proposed tour or recreational activity is to take place.
- (2) An application under subsection (1) must be accompanied by the fee payable for the first year of the licence as determined in accordance with the regulations unless the regulations otherwise provide.
- (3) The fee paid by a person under subsection (2) must be refunded to the person if the person is not granted a tour operator licence under section 140I.
- (4) On and from 1 July 2023, in relation to land in the Great Ocean Road coast and parks, a reference to the Minister or a person authorised by the Minister in this section is a reference to the Great Ocean Road Coast and Parks Authority, regardless of whether or not the Great Ocean Road Coast and Parks Authority has been appointed as land manager.

S. 140J(4)  
inserted by  
No. 42/2021  
s. 88.

**140K Requirement to pay annual fee on grant of tour operator licence**

S. 140K  
inserted by  
No. 40/2009  
s. 30.

- (1) If the regulations provide for the determination of an annual licence fee for a tour operator licence or a class of tour operator licence, the holder of such a licence must pay the fee determined in

accordance with the regulations in respect of each year for which the licence is in force.

- (2) A licence fee to which subsection (1) applies is payable at the time specified in the regulations.

S. 140L  
inserted by  
No. 40/2009  
s. 30,  
amended by  
No. 42/2021  
s. 90 (ILA  
s. 39B(1)).

#### **140L Tour operator licence conditions**

- (1) A tour operator licence is subject to—
- (a) any conditions, determined by the Minister or a person authorised by the Minister that are specified or referred to in the licence; and
  - (b) any prescribed conditions.
- (2) On and from 1 July 2023, in relation to land in the Great Ocean Road coast and parks, a reference to the Minister or a person authorised by the Minister in this section is a reference to the Great Ocean Road Coast and Parks Authority, regardless of whether or not the Great Ocean Road Coast and Parks Authority has been appointed as land manager.

S. 140L(2)  
inserted by  
No. 42/2021  
s. 90.

#### **140M Contravention of condition an offence**

A holder of a tour operator licence must not contravene the conditions of the licence.

Penalty: In the case of a natural person,  
20 penalty units;  
In the case of a body corporate,  
100 penalty units.

S. 140M  
inserted by  
No. 40/2009  
s. 30.

#### **140N Variation of licence to operate as activity provider or tour operator on Crown land**

- (1) The holder of a tour operator licence may apply to the Minister or a person authorised by the Minister for a variation of the licence or a condition of the licence.

S. 140N  
inserted by  
No. 40/2009  
s. 30.

- (2) On receiving the application under subsection (1), the Minister or person authorised by the Minister may vary the licence or condition in accordance with the application.
- (3) A variation made by the Minister or person authorised by the Minister under subsection (2) has effect on the Minister or person authorised by the Minister giving written notice of the variation to the licence holder.
- (4) The Minister or a person authorised by the Minister may vary a tour operator licence, or vary a condition of that licence, of his or her motion if the Minister or the authorised person is of the opinion that a variation is required.
- (5) A variation made by the Minister or a person authorised by the Minister under subsection (4) has effect on the Minister or authorised person giving written notice of the variation to the licence holder.
- (6) On and from 1 July 2023, in relation to land in the Great Ocean Road coast and parks, a reference to the Minister or a person authorised by the Minister in this section is a reference to the Great Ocean Road Coast and Parks Authority, regardless of whether or not the Great Ocean Road Coast and Parks Authority has been appointed as land manager.

S. 140N(6)  
inserted by  
No. 42/2021  
s. 91.

#### **140O Suspension of tour operator licence**

- (1) If the Minister or a person authorised by the Minister is satisfied that there are reasonable grounds to do so, the Minister or authorised person may suspend a tour operator licence by notice in writing given to the holder of the licence.

S. 140O  
inserted by  
No. 40/2009  
s. 30.

- (2) A suspension under this section has effect—
- (a) from the time specified in the notice under subsection (1), which must be no earlier than the day after the day the notice is given; and
  - (b) subject to section 140P, for the period (not exceeding 90 days) specified in the notice.
- (3) In addition to the details required under subsection (2), a notice of suspension of licence given under subsection (1) must—
- (a) state that the holder of the tour operator licence may make submissions regarding the suspension under section 140P;
  - (b) specify a date or period by which the submissions must be made.
- (4) On and from 1 July 2023, in relation to land in the Great Ocean Road coast and parks, a reference to the Minister or a person authorised by the Minister in this section is a reference to the Great Ocean Road Coast and Parks Authority, regardless of whether or not the Great Ocean Road Coast and Parks Authority has been appointed as land manager.

S. 140O(4)  
inserted by  
No. 42/2021  
s. 92.

S. 140P  
inserted by  
No. 40/2009  
s. 30.

#### **140P Making submissions on suspension**

- (1) The holder of a tour operator licence whose licence has been suspended under section 140O may make written submissions in respect of that suspension to the Minister or a person authorised by the Minister within the period specified in the notice of suspension of licence.
- (2) The Minister or a person authorised by the Minister must review the decision to suspend the licence on receipt of any submissions made under subsection (1).

- (3) In carrying out a review under subsection (2), the Minister or a person authorised by the Minister—
- (a) must have regard to the submissions made under subsection (1); and
  - (b) may decide to continue, revoke or amend the suspension.
- (4) The Minister or a person authorised by the Minister must notify the person whose licence has been suspended of the outcome of review.
- (5) On and from 1 July 2023, in relation to land in the Great Ocean Road coast and parks, a reference to the Minister or a person authorised by the Minister in this section is a reference to the Great Ocean Road Coast and Parks Authority, regardless of whether or not the Great Ocean Road Coast and Parks Authority has been appointed as land manager.

S. 140P(5)  
inserted by  
No. 42/2021  
s. 93.

**140Q Cancellation of tour operator licence**

- (1) The Minister or a person authorised by the Minister may cancel a tour operator licence if the Minister or authorised person is satisfied, on reasonable grounds, that—
- (a) the holder of the licence has been found guilty of an offence against this Act or the regulations; or
  - (b) the holder of the licence has contravened a condition of the licence.
- (2) Before cancelling a tour operator licence, the Minister or a person authorised by the Minister must—
- (a) notify the holder that he or she proposes to cancel the licence; and

S. 140Q  
inserted by  
No. 40/2009  
s. 30.

- (b) allow the holder of the licence an opportunity to make either oral or written submissions.
- (3) Submissions under subsection (2) must be made within the period specified in the notice.
- (4) In making a decision as to whether or not to cancel a licence, the Minister or authorised person must—
  - (a) have regard to any submissions made under subsection (2) within the period specified in the notice; and
  - (b) must notify the holder of his or her decision.
- (5) The cancellation of a licence has effect from the time specified in the notice of the Minister or authorised person's decision under subsection (4), which must be after the day on which the notice is given.
- (6) On and from 1 July 2023, in relation to land in the Great Ocean Road coast and parks, a reference to the Minister or a person authorised by the Minister in this section is a reference to the Great Ocean Road Coast and Parks Authority, regardless of whether or not the Great Ocean Road Coast and Parks Authority has been appointed as land manager.

S. 140Q(6)  
inserted by  
No. 42/2021  
s. 94.

## Bee site licences

|   | Heading preceding s. 141 substituted by No. 12/2016 s. 15.   |
|---|--|
| <b>141 Person may apply for bee site licence</b>  | Nos 3709 s. 132, 4273 s. 10.<br>S. 141 amended by Nos 8461 s. 29(a), 96/1994 s. 33(a), substituted by No. 12/2016 s. 16. |
| (1) A person may apply to the Minister for a bee site licence.  |  |
| (2) An application for a bee site licence must be accompanied by the prescribed application fee (if any).   |  |
| <b>142 Minister may grant bee site licence</b>  | No. 3709 s. 133.<br>S. 142 amended by Nos 8461 s. 29(b), 8763 s. 3(1), substituted by No. 12/2016 s. 16.                 |
| (1) The Minister may grant a licence over land specified in section 143(1) on receiving an application under section 141(1).  |  |
| (2) The term of a bee site licence must not exceed 10 years.  |  |
| (3) Subject to subsection (4), the boundary of the bee site licence area must not extend further than an 800-metre radius from the centre of the bee site licence area. |  |
| (4) The boundary of a bee site licence area may extend further than an 800-metre radius from the centre of the bee site licence area if—                                |  |
| (a) immediately before the commencement of section 16 of the <b>Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016</b> —              |  |
| (i) a person held a licence or permit for the purpose of keeping hives or farming bees (the <i>original licence</i> ) in respect of                                     |  |

- more or less the same licence or permit area as that bee site licence area; and
- (ii) the area of land to which the original licence applied extended further than a radius of 800 metres from the centre of that original licence area; and
- (b) the bee site licence is granted to—
- (i) the person referred to in paragraph (a)(i); or
  - (ii) a person to whom a bee site licence or a saved licence for that bee site licence area is or has been transferred.
- (5) In subsection (4)(b)(ii), *saved licence* means—
- (a) a transitioned licence within the meaning of section 417; or
  - (b) a licence or permit saved by any of the following—
    - (i) section 17I of the **Crown Land (Reserves) Act 1978**;
    - (ii) section 104 of the **Forests Act 1958**;
    - (iii) clause 26 of Schedule One AA to the **National Parks Act 1975**;
    - (iv) section 106 of the **Wildlife Act 1975**.
- (6) The Minister, at any time, may impose, vary or revoke any terms and conditions on a bee site licence as the Minister thinks fit.
- (7) Before granting a bee site licence over land specified in section 143(1)(b), (c), (d) or (e), the Minister must obtain the consent of the Minister responsible for the Act under which that land is controlled and managed.

**143 Land over which bee site licence may be granted**

(1) Subject to subsection (2), the Minister may grant a bee site licence over the following land—

- (a) unreserved Crown land under this Act;
- (b) reserved Crown land under the **Crown Land (Reserves) Act 1978**, except for land that is managed by—
  - (i) a committee of management that is not Parks Victoria or the Great Ocean Road Coast and Parks Authority; or
  - (ii) a trustee;

No. 3709  
s. 134.  
S. 143  
amended by  
No. 96/1994  
s. 33(b),  
substituted by  
No. 12/2016  
s. 16.

S. 143(1)(b)(i)  
amended by  
No. 42/2021  
s. 95(1).

**Note**

Reserved Crown land under the **Crown Land (Reserves) Act 1978** includes land that is managed by Parks Victoria or the Great Ocean Road Coast and Parks Authority as committee of management.

Note to  
s. 143(1)(b)  
amended by  
No. 42/2021  
s. 95(2).

- (c) reserved forest within the meaning of the **Forests Act 1958**;
- (d) the following land under the **National Parks Act 1975**—
  - (i) a park within the meaning of that Act;
  - (ii) land managed by Parks Victoria or the Great Ocean Road Coast and Parks Authority in accordance with a management agreement under section 16A, 19A or 19C of that Act, if the agreement specifically provides that any or all of sections 141 to 149 of this Act apply to that land;
  - (iii) land leased by the Minister and managed by Parks Victoria or the Great Ocean Road Coast and Parks Authority in accordance with section 19E of that Act, if the lease specifically provides

S. 143(1)(d)(ii)  
amended by  
Nos 19/2018  
s. 149(1),  
42/2021  
s. 95(3).

S. 143(1)(d)(iii)  
amended by  
Nos 19/2018  
s. 149(1),  
42/2021  
s. 95(4).

that any or all of sections 141 to 149 of this Act apply to that land;

- (iv) land ordered by the Governor in Council to be treated as a park under section 19F of that Act, if the land is specified in Schedule Four to that Act as being subject to any or all of sections 141 to 149 of this Act;
  - (e) a State Wildlife Reserve or a Nature Reserve within the meaning of the **Wildlife Act 1975**.
- (2) The centre of a bee site licence area must not be located on, or within 800 metres of, any of the following land—
- (a) a wilderness park described in Schedule Two A to the **National Parks Act 1975**;
  - (b) a wilderness zone described in Schedule Five to the **National Parks Act 1975**;
  - (c) a natural catchment area described in Schedule 2 to the **Heritage Rivers Act 1992**;
  - (d) a reference area proclaimed under the **Reference Areas Act 1978**;
  - (e) land which is subject to an accepted recommendation—
    - (i) that the land be a reference area under the **Reference Areas Act 1978**; and
    - (ii) that has been wholly accepted by Government or partly accepted if that partial acceptance includes the recommendation that the land be a reference area.

S. 143(2)(e)  
substituted by  
No. 19/2018  
s. 149(2).

**144 Fees to be determined by Minister**

- (1) The Minister may determine any fee payable for the grant of a bee site licence.
- (2) The Minister must publish a determination under subsection (1) in the Government Gazette.
- (3) The Minister may waive, reduce or refund, in whole or in part, any fee determined under subsection (1).
- (4) The Consolidated Fund is by this subsection appropriated to the necessary extent to pay any refund under subsection (3).
- (5) A power conferred by subsection (1) to make a determination relating to fees payable for the grant of a bee site licence may be exercised by providing for any or all of the following matters—
  - (a) specific fees;
  - (b) fees that vary according to the area or term of the bee site licence to which they apply;
  - (c) the manner of payment of fees, including the payment of fees by instalment;
  - (d) the time at which, or by which, fees are to be paid.

No. 3709  
s. 135.

S. 144  
amended by  
Nos 96/1994  
s. 33(c)(d),  
10/2004  
s. 15(Sch. 1  
item 14.4),  
substituted by  
No. 12/2016  
s. 16.

**145 Conditions relating to access to a bee site licence area**

- (1) The Minister may determine terms and conditions relating to a bee site licensee's access to a bee site licence area over land referred to in section 143(1).

No. 3709  
s. 136.

S. 145  
amended by  
Nos 96/1994  
s. 33(e),  
10/2004  
s. 15(Sch. 1  
item 14.5),  
substituted by  
No. 12/2016  
s. 16.

- (2) Any terms and conditions determined by the Minister under this section apply in addition to any conditions or restrictions imposed under any Act or subordinate instrument regulating—
- (a) the land on which the bee site licence area is located; and
  - (b) the land over which access to the bee site licence area is granted.
- (3) Before determining any terms and conditions under subsection (1) in relation to access over land that is not unreserved Crown land under this Act, the Minister must obtain the consent of the Minister responsible for the Act under which that land is controlled and managed.

Heading preceding s. 146 repealed by No. 12/2016 s. 16.

\* \* \* \* \*

Nos 3709 s. 137, 4273 s. 10.

#### **146 Transfer of bee site licence**

S. 146 amended by No. 96/1994 s. 33(f), substituted by No. 12/2016 s. 16.

- (1) A bee site licensee may apply to the Minister for approval to transfer a bee site licence to another person.
- (2) An application under subsection (1) must—
- (a) be made in the prescribed form (if any); and
  - (b) be accompanied by the prescribed fee (if any).
- (3) The Minister may—
- (a) approve the transfer of the bee site licence; or
  - (b) refuse to approve the transfer of the licence; or

- (c) approve the transfer of the licence subject to conditions determined by the Minister.

**147 Process on expiry of current bee site licence**

- (1) Before the expiry of a current bee site licence, the Minister, by notice, may offer the bee site licensee a new bee site licence in respect of more or less the same bee site licence area.
- (2) The Minister may specify the following in a notice under subsection (1)—
- (a) the bee site licence fee; and
  - (b) any changes to the terms and conditions of the new bee site licence determined in accordance with subsection (3); and
  - (c) the commencement date for the new bee site licence.
- (3) A new bee site licence offered under this section is subject to the same terms and conditions as the current bee site licence, unless the Minister imposes, varies or revokes any terms or conditions that the Minister thinks fit.
- (4) If the bee site licensee pays the bee site licence fee for the new bee site licence on or before the expiry of the current bee site licence, a new bee site licence is taken to have been granted under section 142 on the commencement date specified in the notice under subsection (1).
- (5) The new bee site licence referred to in subsection (4) remains in force for the period in respect of which the licence fee is paid.
- (6) A yearly invoice for payment of a bee site licence fee that has been apportioned as an annual sum does not constitute a notice under subsection (1).

No. 3709  
s. 138.

S. 147  
amended by  
Nos 7315  
s. 3(Sch. 1),  
8461 s. 30,  
8763 s. 3(2),  
substituted by  
No. 12/2016  
s. 16.

No. 3709  
s. 139.

S. 148  
amended by  
No. 8461 s. 31,  
substituted by  
No. 12/2016  
s. 16.

## 148 Application of presumption of bee site licence

- (1) Section 147 has effect—
  - (a) despite anything to the contrary in this Subdivision or any corresponding previous enactment; and
  - (b) despite a licensee not applying for a new bee site licence.
- (2) Section 147 does not—
  - (a) relieve a bee site licensee from liability for contravention of a bee site licence; or
  - (b) prevent the grant of a new bee site licence under section 142 to that licensee.
- (3) Section 147 applies even if a bee site licence has been lost, if it appears from records kept by the Secretary that the bee site licence was originally granted.

Heading  
preceding  
s. 149  
repealed by  
No. 12/2016  
s. 16.

\* \* \* \* \*

No. 4873  
s. 8(1).

S. 149  
amended by  
Nos 8461  
s. 32, 8652  
s. 3, 9805  
s. 2(h),  
96/1994  
s. 33(g),  
substituted by  
No. 12/2016  
s. 16.

## 149 Offences

- (1) A person must not use or occupy land referred to in section 143(1) for a purpose relating to apiculture unless authorised to do so under any of the following—
  - (a) a bee site licence;
  - (b) a licence or right referred to in section 417, 418 or 419;

(c) a licence granted under section 17 or 17B of the **Crown Land (Reserves) Act 1978**—

(i) by a trustee or a committee of management (other than Parks Victoria); or

(ii) by Parks Victoria or the Great Ocean Road Coast and Parks Authority as committee of management or the Secretary, which is continued in force by section 17I of that Act;

S. 149(1)(c)(ii)  
amended by  
No. 42/2021  
s. 96.

(d) a licence or permit granted under section 52(1) of the **Forests Act 1958** which is continued in force by section 104 of that Act;

(e) a permit granted under section 21(1)(b) of the **National Parks Act 1975** which is continued in force by clause 26 of Schedule One AA to that Act;

(f) a licence granted under section 16(2)(a) of the **Wildlife Act 1975** which is continued in force by section 106 of that Act.

Penalty: In the case of a natural person,  
60 penalty units;

In the case of a body corporate,  
300 penalty units.

(2) A person must not use or occupy the following land for a purpose relating to apiculture—

(a) a wilderness park described in Schedule Two A to the **National Parks Act 1975**;

(b) a wilderness zone described in Schedule Five to the **National Parks Act 1975**;

(c) a natural catchment area described in Schedule 2 to the **Heritage Rivers Act 1992**;

S. 149(2)(e)  
substituted by  
No. 19/2018  
s. 150.

- (d) a reference area proclaimed under the **Reference Areas Act 1978**;
- (e) land which is subject to an accepted recommendation—
  - (i) recommending that the land be a reference area under the **Reference Areas Act 1978**; and
  - (ii) that has been wholly accepted by Government or partly accepted if that partial acceptance includes the recommendation that the land be a reference area.

Penalty: In the case of a natural person,  
60 penalty units;

In the case of a body corporate,  
300 penalty units.

- (3) A bee site licensee must not use or occupy land referred to in section 143(1) in a manner that contravenes the licensee's bee site licence.

Penalty: In the case of a natural person,  
60 penalty units;

In the case of a body corporate,  
300 penalty units.

- (4) In this section, a person uses or occupies land for a purpose relating to apiculture if—
  - (a) the person places or keeps hives on the land;  
or
  - (b) the person permits the person's bees to forage over the land for nectar or pollen.

Heading preceding s. 150 repealed by No. 40/2020 s. 44.

\* \* \* \* \*

Ss 150, 151 substituted by No. 9212 s. 2(2), repealed by No. 40/2020 s. 45.

### **Subdivision 3—Grant of leaseholds**

Pt 1 Div. 9 Subdiv. 3 (Heading) inserted by No. 10011 s. 14, amended by No. 90/1989 s. 9(a).

Pt 1 Div. 9 Subdiv. 3 (s. 151AA) inserted by No. 10011 s. 14.

#### **151AA Metropolitan lessees may obtain grant of land**

S. 151AA inserted by No. 10011 s. 14.

(1) Notwithstanding anything to the contrary in this Act, where a lease (which is not for amusement or recreational purposes) of any Crown land has been granted under a provision of subdivision 1 or under any corresponding previous enactment, the Minister may enter into a contract for the sale of that land to the person who was the lessee of that land at a purchase price and upon the terms and conditions (including terms and conditions as to interest charges) determined by the Minister.

S. 151AA(1) amended by No. 90/1989 s. 9(b).

- (2) A purchaser under a contract entered into under subsection (1) may with the written consent of the Minister assign his interest under the contract to another person.
- (3) Upon payment in full of the purchase price the Governor in Council shall grant in fee simple the land the subject of the contract to the purchaser under the contract or his assignee.
- (4) A Crown grant made under this section shall contain the covenants, conditions, exceptions and reservations determined by the Governor in Council.
- (5) Before any contract under subsection (1) is entered into, the lessee of the land which is to be the subject of the contract shall transfer and surrender any leases held by him over the land to the Crown.

S. 151AA(6)  
amended by  
No. 45/1987  
s. 205(Sch.  
item 39),  
repealed by  
No. 90/1989  
s. 9(c).

\* \* \* \* \*

## Division 9A—Plantation areas

Pt 1 Div. 9A  
(Heading and  
ss 151A–  
151L)  
inserted by  
No. 6521 s. 3,  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(da)(ea)),  
7332  
s. 2(Sch. 1  
item 38),  
substituted by  
No. 7395 s. 2.

### 151A Definitions

S. 151A  
substituted by  
No. 7395 s. 2.

In this Division unless inconsistent with the  
context or subject-matter—

*forest tree* means any species of tree of value in  
commerce for its sap bark or timber;

\* \* \* \* \*

S. 151A def. of  
*Land  
Utilization  
Advisory  
Council*  
repealed by  
No. 52/1994  
s. 97(Sch. 3  
item 16.12).

*lease* means lease granted under this Division for  
the growing of forest trees for commercial  
purposes and *lessee* and *leasing* have  
corresponding interpretations.

\* \* \* \* \*

S. 151A def. of  
*Minister*  
amended by  
No. 10087  
s. 3(1)(Sch. 1  
item 128),  
repealed by  
No. 46/1998  
s. 7(Sch. 1).

S. 151B  
substituted by  
No. 7395 s. 2.

### 151B Proclamation of land for plantation areas

- (1) Subject to this section the Governor in Council may by proclamation published in the Government Gazette proclaim any unalienated Crown land to be available for leasing for the growing of forest trees of specified species for commercial purposes and may at any time revoke or from time to time amend or vary any such proclamation.
- (2) Land shall not be proclaimed pursuant to this section as available for leasing for the growing of forest trees of any species unless the Minister is satisfied—
  - (a) that the land taken generally is suitable for the growing of forest trees of that or those species; and
  - (b) that the removal of any existing trees and vegetation on the land and the planting in their place of forest trees of the said species would not be contrary to the public interest—

and recommends that the land be proclaimed.

S. 151B(3)  
repealed by  
No. 8008  
s. 13(2).

\* \* \* \* \*

S. 151B(4)  
repealed by  
No. 96/1994  
s. 31(l).

\* \* \* \* \*

- (5) An area of land proclaimed under this section shall upon the grant of a lease thereof under this Division be a plantation area.

**151C Application for grant of plantation area**

S. 151C  
substituted by  
No. 7395 s. 2.

- (1) Any person may apply in writing to the Minister for a lease of an area of land proclaimed under section 151B.
- (2) An application under this section shall contain—
  - (a) an undertaking by the applicant that if the application is referred pursuant to section 151D to a committee for investigation the applicant will pay the costs and expenses of the investigation; and
  - (b) such information as is prescribed by the Regulations.

**151D Investigation of application**

S. 151D  
substituted by  
No. 7395 s. 2.

- (1) The Minister may if he thinks fit refer any application under this Division to a committee consisting of the Crown Solicitor or his nominee and the Auditor-General or his nominee for investigation and report under such terms of reference as the Minister thinks proper.
- (2) For the purpose of carrying out an investigation the committee referred to in subsection (1) may require the applicant to produce such evidence of his financial stability as the committee considers necessary to establish that if the application is approved there is reasonable expectation that he will be able to meet his obligations under this Division.
- (3) When a committee has under this section investigated an application it shall forward its report thereon to the Minister.

**151E Grant of lease**

S. 151E  
substituted by  
No. 7395 s. 2,  
amended by  
No. 8461 s. 33.

If upon consideration of an application for a lease and, where the application has been referred to a committee under section 151D, of the report of the committee thereon the Minister approves the

application, he shall recommend to the Governor in Council that the applicant be granted a lease of the land referred to in the application not being more than 4050 hectares for a period not exceeding 75 years and subject to this Division the Governor in Council may grant a lease accordingly subject to the payment of such rent and to such covenants conditions reservations and exceptions as the Governor in Council thinks fit.

S. 151F  
substituted by  
No. 7395 s. 2.

**151F Planting of trees by lessee**

- (1) The holder of a lease—
  - (a) shall—
    - (i) within 5 years after the commencement of the lease cause at least half of the area of land comprised in the lease; and
    - (ii) within 10 years after the commencement of the lease cause so much of the other half of the said land as is suitable—

to be planted with forest trees of such species as are specified in the proclamation made in respect of the land pursuant to section 151B; and
  - (b) shall maintain the trees planted on the leased land in such manner as the Minister may direct.
- (2) The Minister, if he is satisfied that the lessee by reason of flood drought or other misfortune is unable to complete the plantings of trees required by subsection (1) within the times therein mentioned, may allow extensions of those times for periods not exceeding 5 years in all.

- (3) Before giving any direction pursuant to paragraph (b) of subsection (1) the Minister shall confer with the Secretary.

S. 151F(3)  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
item 39.28),  
76/1998  
s. 11(h).

**151G Road charges**

The holder of a lease shall in addition to the rent reserved by the lease pay such amount (if any) as is fixed by the Minister as a contribution towards the cost of construction and maintenance of any road constructed by a municipality which provides access to the leased land.

S. 151G  
substituted by  
No. 7395 s. 2.

**151H Assignment, mortgage etc. of lease**

- (1) A lessee shall not—
- (a) during the first 5 years of the term of the lease; or
  - (b) without the written consent of the Minister at any time after the expiration of the first 5 years of the term of the lease—

S. 151H  
substituted by  
No. 7395 s. 2.

transfer assign or mortgage the lease or sublet or part with the possession of the whole or any part of the land leased.

- (2) Notwithstanding anything in subsection (1) where a lessee dies or becomes bankrupt or being a company goes into liquidation his personal representatives or the trustee or assignee of his estate or the liquidator of the company may assign the lease to any person at any time with the written consent of the Minister.

S. 151J  
substituted by  
No. 7395 s. 2.

### **151J Cancellation of lease**

The Governor in Council may on the recommendation of the Minister cancel a lease if the lessee—

- (a) fails to comply with or contravenes any of the provisions of sections 151F, 151G, or 151H; or
- (b) fails to perform or observe any of the covenants or conditions of the lease.

S. 151K  
substituted by  
No. 7395 s. 2.

### **151K Power to lessee to erect buildings**

A lessee may with the approval of the Minister erect on the leased land such buildings as are necessary for the maintenance of the trees planted on the land or for the milling of timber from those trees.

S. 151L  
substituted by  
No. 7395 s. 2.

### **151L Property in trees where lease cancelled or expired**

- (1) Subject to this section upon the cancellation or expiration of a lease all trees on the land comprised in the lease shall be the property of the Crown and all rights of the lessee in respect thereof shall cease.
- (2) The Minister may by writing allow a lessee whose lease is cancelled or has expired to harvest and remove within a specified time any trees on the leased land or the produce of those trees or any improvements of a structural nature.

Land Act 1958  
No. 6284 of 1958  
Part I—Crown lands generally

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\* \* \* \* \*

Pt 1 Div. 10  
(Heading and  
ss 152–162)  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(fa)(ga)  
(ha)), 7332  
s. 2(Sch. 1  
item 39), 7548  
s. 3, 7783  
ss 2–5, 8461  
s. 34(a)(b),  
9019 s. 2(1)  
(Sch. item  
100), 9075  
s. 5(2), 9705  
s. 2, 10087  
s. 3(1)(Sch. 1  
item 129),  
41/1987  
s. 103(Sch. 4  
item 39.29),  
44/1988  
s. 60(2),  
18/1989  
s. 13(Sch. 2  
item 41(h)–  
(k)), 52/1994  
s. 97(Sch. 3  
items 16.13,  
16.14),  
repealed by  
No. 96/1994  
s. 24.

## Division 11—Residence areas

Pt 1 Div. 11  
(Heading and  
ss 163–178)  
amended by  
Nos 6505 s. 2,  
7228  
s. 7(Sch. 4  
Pt 19(ia)),  
substituted as  
Pt 1 Div. 11  
(Heading and  
ss 163–177)  
by No. 8304  
s. 2.

S. 163  
substituted by  
No. 8304 s. 2.

### 163 Definitions

In this Division unless inconsistent with the context or subject-matter—

*holder* includes any person for the time being entitled to occupy a residence area as transferee assignee or otherwise through or under the original holder of the residence area right;

*prescribed* means prescribed by this Division or the regulations;

*residence area* means any Crown land occupied for the time being as a residence area in accordance with the provisions of this Division.

S. 164  
substituted by  
No. 8304 s. 2,  
repealed by  
No. 96/1994  
s. 25.

\* \* \* \* \*

S. 165  
substituted by  
No. 8304 s. 2.

### 165 No new residence area rights to be granted

- (1) No new right to occupy any Crown land as a residence area shall be granted after the commencement of the **Land (Residence Areas) Act 1972**.

- (2) A right to occupy a residence area granted prior to the commencement of the **Land (Residence Areas) Act 1972** shall subject to this Act continue in force until the date of expiry of the current period and shall be renewable from time to time for periods of one year.
- (3) Renewals of rights to occupy a residence area may be granted by any person authorized by the Governor in Council in that behalf.
- (4) The fee for the renewal of a right to occupy a residence area shall be 50 cents or such other fee as may from time to time be determined by the Governor in Council.
- (5) A receipt given for a fee for the renewal of a right to occupy a residence area shall for all purposes be sufficient evidence of such renewal.

**166 Holder of right to have exclusive occupation of land**

S. 166  
substituted by  
No. 8304 s. 2.

The holder of a right to occupy a residence area shall have, except as against Her Majesty, the sole and exclusive right to occupy the surface of such residence area and to take any proceedings that are necessary to enable him to keep or recover possession of such surface in like manner, so far as is consistent with this Division, as if he were the owner of such area in fee-simple.

**167 Cancellation of right to occupy residence area**

S. 167  
substituted by  
No. 8304 s. 2.

- (1) If at any time in respect of a right to occupy a residence area, it is proved to the satisfaction of the Minister—
  - (a) that the holder of the right has obtained such right in contravention of or has contravened or failed to comply with any provision of this Division or the regulations;
  - (b) that any condition of such right is not being observed; or

(c) that for a period of at least three consecutive months there has not been a habitable dwelling thereon—

the Minister may order the cancellation of such right.

(2) Every order of the Minister under this section shall be final.

S. 168  
substituted by  
No. 8304 s. 2.

## 168 Removal of buildings

S. 168(1)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 130),  
41/1987  
s. 103(Sch. 4  
item 39.30),  
76/1998  
s. 11(h).

(1) On the expiry of the right to occupy a residence area or where a right to occupy a residence area has been cancelled, the person who at the time of the expiry or cancellation was the holder of the right shall be responsible for the demolition and removal of all buildings and structures and for the clearing of the site to the satisfaction of the Secretary.

S. 168(2)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 130),  
41/1987  
s. 103(Sch. 4  
item 39.30),  
76/1998  
s. 11(h).

(2) Where any such building or structure has not been removed within 60 days of the expiry or cancellation of the right to occupy, the Secretary may proceed with the demolition and removal and may recover the costs and expenses of and incidental thereto from the person who was the holder of the right to occupy at the time of expiry or cancellation.

(3) Where any such building or structure is the subject of a demolition order issued under any Act the authority which issued the order may demolish or remove the building or structure in accordance with that Act and may recover from the person who at the time of expiry or cancellation was the holder of the residence area right the costs and expenses incidental to the removal or demolition.

**169 Compensation on resumption by Crown**

S. 169  
substituted by  
No. 8304 s. 2.

- (1) In the event of the Crown resuming possession of any residence area for public or other purposes, the holder of such residence area shall be entitled to the payment of compensation of the value of his interest in such residence area together with the value of any buildings or other improvements erected or made thereon.
- (2) Such value shall be determined by an appraiser appointed by the Minister.

**170 Power to let**

S. 170  
substituted by  
No. 8304 s. 2.

- (1) The holder of a residence area right may let his interest in the occupation thereof to any person at a monthly or weekly rental, and between such holder and such person there shall exist the same rights as between landlord and tenant.
- (2) The holder of a residence area right may at any time before 1st January, 1983 in the prescribed manner and subject to the prescribed conditions—
  - (a) encumber his interest in such residence area;  
or
  - (b) sell or transfer his interest in such residence area—

but shall not thereafter encumber, sell or transfer his interest and any purported encumbrance sale or transfer after that date shall be void and to no effect.

- (3) The sale or transfer of a residence area right shall be of no force or effect until notice of such transfer is endorsed on the right by a person duly authorized in that behalf by the Governor in Council.

S. 171  
substituted by  
No. 8304 s. 2,  
amended by  
Nos 92/1990  
s. 128(Sch. 1  
item 13.4),  
63/2006  
s. 61(Sch.  
item 19).

### 171 Power to inspect entries in mining registers

Any person authorized by the Governor in Council in that behalf may at all reasonable times without payment of any fee inspect and take copies of any register or entry of any mining registrar relating to residence areas or business licences under the **Mineral Resources (Sustainable Development) Act 1990** or any corresponding previous enactment.

S. 172  
substituted by  
No. 8304 s. 2.

### 172 Power to excise land from certain streets

S. 172(1)  
amended by  
No. 13/1990  
s. 41(e).

(1) Where—

- (a) on any land which immediately before the commencement of the **Land (Residence Areas) Act 1935** was occupied as a residence area under the **Mines Act 1928**—
- (i) there is situate a habitable dwelling;  
and
  - (ii) there has since 20th January, 1926 (except during any period of demolition and rebuilding) continuously been situate a habitable dwelling; and
- (b) any such dwelling or any land used in connexion therewith is solely or in part situate on any street or road—

the Governor in Council with the approval in writing of the municipal council of the municipal district in which such land is situate may by Order published in the Government Gazette excise from such street or road such portion thereof as the Governor in Council considers necessary in the circumstances.

- (2) On publication in the Government Gazette of any such Order in Council—
- (a) any land excised by such Order from a street or road shall cease to be portion of such street or road and all rights over such land shall cease and determine; and
  - (b) such land shall be and may be dealt with under this Act as unalienated land of the Crown.

**173 Right of holder of residence area to purchase land**

S. 173  
substituted by  
No. 8304 s. 2.

- (1) The holder of a residence area right may apply to the Secretary for permission to purchase the land the subject of the right.

S. 173(1)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 130),  
41/1987  
s. 103(Sch. 4  
item 39.31),  
76/1998  
s. 11(h).

- (2) If the Minister is satisfied that—

- (a) a habitable dwelling has been erected on the land; and
- (b) the holder has complied with the provisions of this Division the regulations and any conditions to which the right is subject—

S. 173(2)  
amended by  
No. 92/1990  
s. 128(Sch. 1  
item 13.5  
(a)(b)).

and if there is no objection to the alienation of such land for any reason of a public nature, the holder on payment of the survey fees shall have the exclusive right of purchasing such land.

- (3) The market value of the land shall be assessed by an appraiser appointed by the Minister and the purchase price shall be determined by deducting from the amount so assessed 50 per centum thereof (being an allowance made in respect of the

holder's interest in the land) and taking the result to the nearest dollar.

- (4) A Crown grant issued by the Governor in Council pursuant to this section shall contain such conditions exceptions and reservations as the Governor in Council thinks fit.

S. 174 substituted by No. 8304 s. 2.

**174 Residence area right may be converted to purchase lease**

S. 174(1) amended by Nos 10087 s. 3(1)(Sch. 1 item 130), 41/1987 s. 103(Sch. 4 item 39.32), 76/1998 s. 11(h).

- (1) Any holder of a residence area right may apply to the Secretary for permission to convert the right to a purchase lease.

S. 174(2) amended by No. 92/1990 s. 128(Sch 1 item 13.6 (a)(b)).

- (2) If the Minister is satisfied that—
- (a) a habitable dwelling has been erected on such residence area; and
  - (b) the holder thereof has complied with the provisions of this Division, the regulations and any conditions to which the right is subject—

and if there is no objection to the alienation of the land for any reason of a public nature the holder on payment of the survey fees shall be entitled to the grant of a purchase lease of the residence area.

- (3) The purchase price under a purchase lease shall be determined as provided in subsection (3) of section 173.
- (4) A lease granted under this section shall be subject to such conditions and covenants as the Governor in Council thinks fit.

- (5) Where the purchase price—  
does not exceed \$500—the term of the lease shall not exceed 10 years;  
exceeds \$500 but does not exceed \$1000—the term of the lease shall not exceed 20 years;  
exceeds \$1000 but does not exceed \$2000—the term of the lease shall not exceed 30 years;  
exceeds \$2000—the term of the lease shall not exceed 40 years.
- (6) The lessee shall not assign or mortgage his interest in the land without the consent of the Secretary.
- (7) The purchase price shall be payable by equal half-yearly payments of rent and no interest shall be payable other than on arrears in accordance with section 228.

S. 174(6)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 130),  
41/1987  
s. 103(Sch. 4  
item 39.32),  
76/1998  
s. 11(h).

**175 Liens and encumbrances to be discharged**

S. 175  
substituted by  
No. 8304 s. 2.

- (1) Any lien or encumbrance of a residence area right shall be discharged—
- (a) in the case of an alienation under section 173, prior to the issue of the Crown grant;
- (b) in the case of a lease under section 174, prior to the grant of the lease.
- (2) Upon the sale of any residence area by the Crown under section 173 or the grant of a purchase lease under section 174 the boundaries thereof may be adjusted to make the same straight or to abut or conform to the boundaries of adjacent land.

S. 175(3)  
amended by  
Nos 81/1989  
s. 3(Sch. item  
25.13),  
126/1993  
s. 264(Sch. 5  
item 11),  
74/2000  
s. 3(Sch. 1  
item 66.2).

- (3) Where any detached portion of Crown land lies between and adjoins a residence area and any highway road drain or waterway or where additional Crown land is required and is available to extend a residence area to an adequate size under a planning scheme under the **Planning and Environment Act 1987** or a building regulation under the **Building Act 1993** or where Crown land adjoining a residence area is available for disposal under this Act and cannot conveniently be disposed of except in conjunction with such residence area such Crown land may be added to the residence area and the whole sold under section 173 or leased under section 174 as one lot.

S. 176  
substituted by  
No. 8304 s. 2.

#### 176 Forfeiture of lease

- (1) If the Minister, after a public hearing under section 34 of which prior notice was given to every mortgagee of the lessee's interest, is satisfied that a lessee has failed to perform or comply with any of the covenants or conditions of his lease, the Governor in Council may by notice published in the Government Gazette declare the lease to be forfeited.
- (2) Upon the making of a declaration the interest created by the lease shall cease and determine and the right and title of the lessee in and to the lease and the land therein described and all moneys paid thereunder shall be absolutely forfeited.
- (3) On forfeiture of a lease the lessee may remove all buildings and improvements erected by him on the demised land making good to the satisfaction of the Secretary any injury to the land.

S. 176(3)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 130),  
41/1987  
s. 103(Sch. 4  
item 39.33),  
76/1998  
s. 11(h).

- (4) Any such building or improvement not removed within such period as the Secretary directs shall be the property of the Crown and may be sold removed demolished or otherwise dealt with as the Secretary may direct and the costs and expenses of and incidental to any sale removal demolition and the making good of any injury to the land to the extent to which they exceed the net price received on the sale of any improvements or buildings shall be a debt due to the Crown by the former lessee.

S. 176(4)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 130),  
41/1987  
s. 103(Sch. 4  
items 39.33,  
39.34),  
76/1998  
s. 11(h).

**177 On payment of purchase price lessee entitled to Crown grant**

S. 177  
substituted by  
No. 8304 s. 2.

- (1) On payment of the purchase price a lessee shall be entitled to a Crown grant.
- (2) A Crown grant shall contain such conditions exceptions and reservations as the Governor in Council thinks fit.

\* \* \* \* \*

S. 178  
repealed by  
No. 8304 s. 2.

## Division 12—Commons

**179 Common lands**

No. 3709  
s. 142.

All commons heretofore or hereafter proclaimed shall subject to the provisions of this Part be dealt with in the same manner as the other portions of the areas referred to in the Second Schedule of which they respectively form a part.

**180 Saving of existing commons**

No. 3709  
s. 143.

Nothing in this Part contained shall affect except so far as may be expressly provided herein any common proclaimed before the commencement of this Act or the rights of any person entitled to commonage under the authority of any repealed Act to depasture cattle upon any common.

No. 3709  
s. 144.

### **181 Governor in Council may proclaim commons**

S. 181(1)  
amended by  
No. 13/1990  
s. 41(f).

- (1) The Governor in Council may under regulations made for such purpose proclaim any Crown lands as a common and place it under the management of any municipal council or any person or persons or any two or more of the said councils or persons and direct the manner in which the fees shall be imposed paid collected and recovered for depasturing thereon and how such fees shall be disposed of, and at any time alter add to diminish revoke or abolish such common or unite two or more commons or add to such common any selection which may have been taken up within the area of such common and subsequently abandoned.
- (2) The managers of any common may sue and be sued in the name of the managers of such common as though they were a corporation.

No. 3709  
s. 145.

### **182 Appointment of managers and regulations**

S. 182(1)(c)  
substituted by  
No. 52/1994  
s. 97(Sch. 3  
item 16.15).

- (1) The Governor in Council may appoint managers of commons and may make regulations—
  - (a) for the management of any common;
  - (b) for fixing the term of office of managers of commons for any period not exceeding three years;
  - (c) for the eradication or control of pest animals and noxious weeds on commons;
  - (d) for defining the duties rights powers and privileges of the managers of and the persons entitled to the commons respectively; and

(e) for prescribing penalties not exceeding 4 fee units for breach of such regulations and the mode of recovery of the same.

S. 182(1)(e)  
amended by  
No. 10/2004  
s. 15(Sch. 1  
item 14.6).

(2) All managers of commons in respect of which the Governor in Council has made no regulation fixing the term of office of the managers thereof shall retire from office on the thirty-first day of December in each and every year.

### 183 Management

No. 3709  
s. 146.

(1) All commons heretofore or hereafter proclaimed may be governed by managers appointed as herein provided.

(2) Such managers shall during their continuance in office have power to distrain any cattle and swine trespassing on such common and shall be taken to be occupiers within the meaning of the **Impounding of Livestock Act 1994** of that land, and shall be deemed to be land owners within the meaning of the **Catchment and Land Protection Act 1994**, and shall be taken to have in respect of such common the same power of preventing encroachment and trespass thereon as any bailiff lawfully appointed may by law exercise in respect of any lands of his employer.

S. 183(2)  
amended by  
Nos 52/1994  
s. 97(Sch. 3  
item 16.16),  
89/1994  
s. 38(b).

(3) Such managers shall not have or exercise any of the rights or powers hereinbefore mentioned in respect to any site that may be occupied within the limits of the common under any lease or licence granted or issued under the provisions of any Act relating to Crown lands or in respect to any timber stone loam clay sand brick and other earth within the limits of the common.

S. 183A  
inserted by  
No. 10011  
s. 15.

**183A Municipality may raise funds by allowing use of common**

S. 183A(1)  
amended by  
No. 96/1994  
s. 33(h).

- (1) Where the council of a municipality manages a common, the council may, with the consent of the Minister, allow any person to use the whole or any part of the common for the purposes of agriculture on such terms and conditions as the council sees fit, for the purpose of raising funds for those local recreational and community facilities which are approved by the council and the Minister.
- (2) Where the Minister consents under subsection (1) to any person using the whole or any part of a common, the rights of any other person to depasture cattle on the land the subject of the consent shall cease and determine.

No. 3709  
s. 147.

**184 Governor in Council may increase or diminish commons**

The Governor in Council may increase and after one month's notice in the Government Gazette diminish alter or abolish any common heretofore or hereafter proclaimed and may re-proclaim the whole or any part of any such common for any of the purposes and subject to the provisions of this Division; but nothing herein contained shall prevent the exercise of the powers conferred by this Part with respect to the leasing or licensing of any land comprised in any common.

No. 3709  
s. 148.

**185 Lands taken from commons**

When a common is diminished altered or abolished by the Governor in Council under the provisions of this Part the lands so ceasing to be included in a common may be disposed of in any manner authorized by the provisions of this Part applying to the class in which such land is included.

**Division 13—Trespasses, penalties,  
legal proceedings etc.**

**186 Penalty where land officer applies for allotment**

No. 3709  
s. 149.

Every land officer and every substitute of any land officer who directly or indirectly selects or applies for a lease of any selection purchase allotment within the district to which he has been appointed shall thereby forfeit his office and shall also forfeit the sum of \$200 with full costs of suit which may be recovered by any person who sues for the same in any court of competent jurisdiction.

**187 Penalty for false statement etc. in relation to application**

No. 3709  
s. 150.  
S. 187  
amended by  
Nos 7548  
s. 6(a),  
96/1994  
s. 33(i),  
10/2004  
s. 15(Sch. 1  
item  
14.7(a)(b)).

Every person who on making application for a lease or a licence under this Act wilfully makes any false statement or refuses to answer any question relating to such application which may be put to him by the land officer or the substitute of a land officer or wilfully gives a false answer to any such question shall be liable to a penalty of not less than 0.5 penalty unit nor more than 4 penalty units or to imprisonment for a term of not less than fourteen days nor more than six months.

**188 Penalty for unauthorized occupation or depasturing on certain lands**

No. 3709  
s. 151.  
S. 188  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(ja)), 7548  
s. 6(b)(i)–(iii),  
10/2004  
s. 15(Sch. 1  
item 14.8(a)-  
(c)), 12/2016  
s. 18 (ILA  
s. 39B(1)).

(1) Every person who is found in unauthorized occupation of any Crown land or who knowingly and wilfully depastures without authority in that behalf any cattle or swine on any such land not being a common shall be liable on conviction thereof to the penalties following (that is to say)—for the first offence a sum of not more than 0.5 penalty unit, for the second offence after an interval of fourteen clear days from the date of the

previous conviction a sum of not more than 1 penalty unit, and for any subsequent offence after a like interval a sum of not more than 2 penalty units, but no proceedings to recover any such penalty may be taken except by some person authorized in that behalf by the Minister.

S. 188(2)  
inserted by  
No. 12/2016  
s. 18.

- (2) Subsection (1) does not apply to unauthorised occupation of Crown land for a purpose relating to apiculture.

**Note**

See section 149 for offences relating to unauthorised occupation of Crown land for a purpose relating to apiculture.

S. 188A  
(Heading)  
inserted by  
No. 43/2012  
s. 3(Sch.  
item 25.2).

**188A Magistrates' Court may order removal of buildings etc.**

S. 188A  
inserted by  
No. 7548  
s. 7(1).

S. 188A(1)  
amended by  
Nos 7876  
s. 2(3),  
41/1987  
s. 103(Sch. 4  
items 39.36,  
39.37),  
57/1989  
s. 3(Sch.  
item 109.2),  
76/1998  
s. 1(h).

- (1) Where—

- (a) any building structure standing crop or improvement or any thing whatsoever is constructed or placed or is found on any Crown land; and

S. 188A(1)(b)  
amended by  
No. 41/1987  
s. 103(Sch. 4  
item 39.36).

- (b) the owner of the building structure crop improvement or thing does not within 21 days after demand made—

- (i) if the land in question is land reserved pursuant to section 4 of the **Crown Land (Reserves) Act 1978** and under the control of a committee of management, by an authorised officer or a person authorized by the committee of management; or
- (ii) in any other case by an authorised officer or a person authorized by the Secretary—

S. 188A(1)  
(b)(i) amended  
by Nos 9212  
s. 2(2),  
41/1987  
s. 103(Sch. 4  
item 39.36).

S. 188A(1)  
(b)(ii)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 130),  
41/1987  
s. 103(Sch. 4  
items 39.35,  
39.36),  
76/1998  
s. 11(h).

produce to the authorised officer or person a current lease licence permit or other authority under this Act or some other Act authorizing him to keep or maintain the building structure crop improvement or thing on that Crown land—

then, if the land in question is land so reserved and controlled, an authorised officer or a person authorized by the committee of management or, in any other case, an authorised officer or a person authorized by the Secretary may cause a complaint signed by the authorised officer or person and a summons thereon to appear before the Magistrates' Court to be served on the owner.

S. 188A(1)  
amended by  
No. 40/2020  
s. 46.

- (2) A demand on an owner under this section shall be made by serving on the owner a notice of demand in writing in the prescribed form.
- (3) A complaint and summons under this section shall be in or to the effect of the form in Schedule Seven A to this Act.

- (4) A notice of demand or a complaint and summons under this section may be served on an owner—
- (a) by delivering the notice or a copy of the complaint and summons to him personally or to his agent;
  - (b) by leaving the notice or a copy of the complaint and summons at his usual or last-known place of abode;
  - (c) by posting the notice or a copy of the complaint and summons by registered post in a letter addressed to him at his usual or last-known place of abode or business or his usual or last-known address; or
  - (d) where after reasonable inquiries made by the complainant it appears that the Crown is the owner and no other person is deemed to be an owner for the purposes of this section or that no other person who is or is deemed to be an owner for the purposes of this section can be found—
    - (i) by posting the notice or a copy of the complaint and summons on some conspicuous part of the building structure improvement or thing or in a conspicuous place as close as practicable thereto on the land; and
    - (ii) by publishing a copy of the notice or of the complaint and summons in a newspaper circulating in the neighbourhood of the land.
- (5) Upon the hearing of a complaint under this section—
- (a) the Magistrates' Court may order the building structure crop improvement or thing in respect of which the complaint is made to be removed by and at the expense of the

S. 188A(4)(d)  
amended by  
No. 8492  
s. 2(b).

S. 188A(5)  
amended by  
Nos 7876  
s. 2(3),  
57/1989  
s. 3(Sch.  
item 109.3).

- owner within a time to be fixed by the order;  
and
- (b) the averment of the complainant that the building structure crop improvement or thing is on the land described in the complaint shall be evidence of that fact until the contrary is proved.
- (6) Any such building structure crop improvement or thing which is not removed within the time fixed by the order of the Magistrates' Court shall be the property of the Crown and may be sold removed or demolished as the Minister may direct and the costs and expenses of and incidental to any removal or demolition to the extent to which they exceed the net price for which any sale is made shall be a debt due to the Crown. **S. 188A(6) amended by No. 29/2011 s. 3(Sch. 1 item 50).**
- (7) Where a demand made under subsection (1) in respect of reserved land under the control of a committee of management is not complied with and the committee of management does not within 60 days after the day on which the demand was made authorize a person to take proceedings under this section, the Minister may if he thinks fit direct the Secretary to authorize a person to take the proceedings. **S. 188A(7) amended by Nos 10087 s. 3(1)(Sch. 1 item 130), 41/1987 s. 103(Sch. 4 item 39.35), 76/1998 s. 11(h).**
- (8) For the purposes of this section—
- (a) the person by or on whose behalf a building structure standing crop improvement or thing was constructed placed or left on Crown land and a person who is or has occupied or used such a building structure standing crop improvement or thing shall be deemed to be the owner of that building structure standing crop improvement or thing; and **S. 188A(8) inserted by No. 8492 s. 2(a).**

(b) service of a notice or complaint and summons on any one person who is or who is deemed to be the owner of such a building structure standing crop improvement or thing shall be deemed to be service on every person who is or who is deemed to be the owner of that building structure standing crop improvement or thing.

S. 188A(9)  
inserted by  
No. 8492  
s. 2(a).

(9) Nothing in this section shall be taken to limit restrict or affect any other privilege or remedy that the Crown or any person acting on behalf of the Crown has in relation to Crown land.

S. 189  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(ja)), 9861  
s. 3(1),  
41/1987  
s. 103(Sch. 4  
item 39.38),  
repealed by  
No. 89/1994  
s. 38(c).

\* \* \* \* \*

No. 3709  
s. 153.

## 190 Penalty for trespasses on Crown lands

S. 190  
amended by  
Nos 7548  
s. 6(c),  
13/1990  
s. 41(g),  
92/1990  
s. 128(Sch. 1  
item 13.7),  
10/2004  
s. 15(Sch. 1  
item 14.9),  
63/2006  
s. 61(Sch.  
item 19).

Every person not licensed or otherwise authorized under this Part or under any other enactment who searches upon any Crown land for any gold or minerals within the meaning of the **Mineral Resources (Sustainable Development) Act 1990** or cuts digs or takes from any Crown lands any live or dead timber gravel stone limestone salt guano shell sand loam or brick-earth or strips or removes bark from any tree on any Crown lands shall in addition to any punishment or penalty provided by law for such offence be liable in respect of any of the said offences to a penalty of not more than 2 penalty units: Provided however that it shall be lawful for any municipal council with the consent of the Minister to authorize any officer or other person to enter on Crown lands or

remove therefrom without fee or licence any live or dead timber gravel stone limestone sand loam brick or other earth for the purpose of forming or maintaining any public road street or bridge within the municipal district of such municipal council.

**190A Offence to construct, remove, alter, or carry out maintenance on, a levee on certain Crown land**

S. 190A  
inserted by  
No. 53/2014  
s. 11.

- (1) A person must not—
- (a) construct, remove or alter a levee on Crown land; or
  - (b) carry out maintenance on a levee on Crown land.

Penalty: Level 8 imprisonment (12 months maximum) or a level 8 fine (120 penalty units maximum) or both.

- (2) Subsection (1)(a) and (b) do not apply to a person if the person constructs, removes, alters, or carries out maintenance on, a levee—
- (a) in the performance of a function under this Act or the regulations; or
  - (b) that the person is authorised under this Act or the regulations to construct, remove, alter or carry out maintenance on in the performance of a function under another Act or regulations made under another Act.

- (2A) Subsection (1)(a) does not apply to a person if the person constructs, removes or alters a levee in accordance with section 32AC of the **Victoria State Emergency Service Act 2005**.

S. 190A(2A)  
inserted by  
No. 43/2015  
s. 37.

- (3) Subsection (1)(b) does not apply to a person if the person carries out maintenance on a levee under and in accordance with a levee maintenance permit.

(4) In this section—

*Crown land* does not include—

- (a) land reserved under the **Crown Land (Reserves) Act 1978**; or
- (b) reserved forest within the meaning of the **Forests Act 1958**; or
- (c) a park within the meaning of the **National Parks Act 1975** or any land that is described in Schedule Four to that Act; or
- (d) a State Wildlife Reserve or a Nature Reserve within the meaning of the **Wildlife Act 1975**;

*levee* has the same meaning as in Part 5AA of the **Water Act 1989**;

*levee maintenance permit* has the same meaning as in the **Water Act 1989**;

*maintenance* has the same meaning as in Part 5AA of the **Water Act 1989**.

No. 3709  
s. 154.  
S. 191  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(ja)), 7548  
s. 6(d),  
10/2004  
s. 15(Sch. 1  
item 14.10),  
53/2014 s. 12  
(LA s. 39B(1)).

## 191 Penalty for depositing rubbish on Crown lands

- (1) Every person not licensed or otherwise authorized in that behalf by the Minister who enters upon any Crown lands and deposits thereon any dust mud ashes bricks stones timber sewerage soil dung or rubbish shall be liable to a penalty of not more than 2 penalty units, but no proceedings to recover any such penalty shall be taken except by some person authorized in that behalf by the Minister.
- (2) Subsection (1) does not apply to a person who is acting under and in accordance with a levee maintenance permit within the meaning of the **Water Act 1989**.

S. 191(2)  
inserted by  
No. 53/2014  
s. 12.

**192 Obliteration of boundary mark**

Every person who wilfully obliterates removes or defaces any boundary mark which has been made or erected by or under the direction of any officer authorized by the Minister shall be guilty of a misdemeanour.

No. 3709  
s. 155.  
S. 192  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(ka)).

**193 Rights of licensee and lessee against trespassers**

The lessee and his assigns of a selection purchase allotment and the licensee and his assigns of an agricultural or grazing allotment within the meaning of the **Land Act 1901** and the person or persons in whom the interest or any part thereof of any such lessee or licensee may at any time under this Part become vested and the purchaser of any land under any Act in force before the commencement of this Act shall have—

No. 3709  
s. 156.  
S. 193  
amended by  
No. 96/1994  
s. 33(j).

- (a) all rights as against persons trespassing with any cattle or swine (but not against other mere trespassers) which at law belong to the owner in possession of any land as against trespassers thereon except the right of impounding such cattle or swine; and
- (b) the said last-mentioned right when and so soon as the selection purchase allotment or agricultural or grazing allotment within the meaning of the **Land Act 1901** or such part of the selection purchase allotment or agricultural or grazing allotment or of any land purchased under any Act heretofore in force as may be trespassed upon is enclosed either alone or with any adjoining land in the occupation of the same person with a substantial fence but not before.

S. 193(b)  
amended by  
No. 96/1994  
s. 33(j).

No. 3709  
s. 157.  
S. 194  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(la)), 7876  
s. 2(3),  
16/1986 s. 30,  
57/1989  
s. 3(Sch. item  
109.4(a)(b)).

## 194 Unauthorized occupier may be forcibly dispossessed

When any person—

- (a) occupies any land which was held under any licence or lease which has expired, or has become forfeited or forfeited and void or has been revoked under this Part;
- (b) occupies any land and purports so to do in virtue or under colour of any expired forfeited void or revoked licence or lease; or
- (c) remains otherwise in unauthorized possession or occupation of land formerly held under any licence or lease—

and refuses or neglects to deliver up possession of the same to any person authorized by the Minister in that behalf, such person or any other person authorized by the Minister may apply upon an information to be laid by him in the form set out in the Sixth Schedule to any magistrate for and such magistrate shall issue a summons in the form set forth in the Seventh Schedule calling upon the occupier of such land to appear at a time and place to be therein specified before the Magistrates' Court which may hear and determine the matter of such information in a summary way *ex parte* or otherwise.

No. 3709  
s. 158.

## 195 Hearing

S. 195(1)  
amended by  
No. 57/1989  
s. 3(Sch.  
item 109.5).

- (1) On the production of a copy of the Government Gazette containing a notice that such licence or lease has expired or become forfeited or forfeited and void or been revoked and upon proof to the satisfaction of the court at the time and place specified in the summons or at any adjourned hearing of the said information that the land referred to in such summons is the same as is referred to in the said notice a warrant shall be

issued which may be in the form or as near as may be in the form contained in the Eighth Schedule.

- (2) Any police officer or bailiff to whom such warrant is directed may forthwith execute the same according to the tenor and exigency thereof in the same manner as any warrant of possession may now be executed by the sheriff.

S. 195(2)  
amended by  
Nos 57/1989  
s. 3(Sch.  
item 109.6),  
37/2014  
s. 10(Sch.  
item 92.2).

- (3) The jurisdiction of such court shall not be taken away or deemed to be ousted by any claim of title question of property or suggestion of right whether made bona fide or otherwise which may be raised at any such hearing as aforesaid.

- (4) This and the last preceding section shall not affect any person who lawfully occupies any land therein referred to after the licence or lease thereof has expired and pending only the issue of a lease or Crown grant for such land and who has fulfilled all the covenants and conditions of the licence or lease so far as they are applicable to him.

#### **196 Recovery of rent and licence-fees**

No. 3709  
s. 159.

The rent reserved in any lease or the fee payable in respect of any licence granted or issued under any Act relating to Crown lands including this Act may be levied or recovered by or under the authority of the Minister in like manner as any rent or fine is or shall be leviable or recoverable by law.

S. 196  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(a)).

#### **197 Demand for or acceptance of rent etc. not to be deemed a waiver or breach of covenant or condition**

No. 3709  
s. 160.

Notwithstanding anything contained in any Act or in any licence or lease thereunder the demand for or acceptance of any instalment of purchase money or any rent fee or interest by or on behalf of Her Majesty or the Minister subsequently to a breach of any covenant or condition of such

S. 197  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(ma)).

licence or lease (whether such instalment of purchase money rent fee or interest has become due before or after such breach) shall not be deemed a waiver of such breach notwithstanding that the Minister or the person receiving the same had knowledge of such breach.

No. 3709  
s. 161.  
S. 198  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(na)).

**198 Certificates of Minister prima facie evidence of non-payment of fees or rent**

An instrument in writing signed by the Minister certifying that the person named therein has not paid the fees or rent stated in such instrument to be due by him on any licence or lease granted under any Act relating to Crown lands and containing particulars of the amount due and the days on which such fees or rent became due shall be prima facie evidence of the non-payment of such fees or rent and of the amount due and of the time when the same became due.

No. 3709  
s. 162.

**199 Governor in Council may prohibit felling timber etc.**

- (1) The Governor in Council may by proclamation declare that no person although he is duly licensed or otherwise authorized shall cut dig or remove live or dead timber or any particular description of timber or bark stone gravel sand loam brick or other earth from such portions of Crown lands as are named in such proclamation or shall exercise on any such portions the powers or any of them conferred by any licence granted under the authority of Division nine of this Part.
- (2) Every person who acts in contravention of any such proclamation shall be liable to a penalty of not more than 2 penalty units.

S. 199(2)  
amended by  
Nos 7548  
s. 6(e),  
10/2004  
s. 15(Sch. 1  
item 14.11).

## 200 Proof

(1) If any person is found on any Crown lands whatever including any portion of Crown lands referred to in the last preceding section having in his possession any live or dead timber gravel stone limestone salt guano shell sand loam brick earth or bark he shall for the purposes of this Part be deemed to have cut dug taken away stripped or removed the same from Crown lands, and it shall lie on such person to prove that he did not so do or that he had authority so to do.

No. 3709  
s. 163.

S. 200  
amended by  
No. 46/2012  
s. 21 (ILA  
s. 39B(1)).

(2) Subsection (1) does not apply to the following—

S. 200(2)  
inserted by  
No. 46/2012  
s. 21.

(a) a person found in possession of timber in a State forest (within the meaning of the **Forests Act 1958**);

(b) a person found in possession of timber on land described in Division 2A or Division 5 of Part 4A of the Fifth Schedule to the **Crown Land (Reserves) Act 1978**.

(3) In subsection (2)—

S. 200(3)  
inserted by  
No. 46/2012  
s. 21.

*timber* has the same meaning as in section 3(1) of the **Forests Act 1958**.

## 201 Certificate of Secretary to be prima facie evidence that land is unalienated Crown land

S. 201  
amended by  
Nos 7548  
s. 6(f), 9019  
s. 2(1)(Sch.  
item 101),  
repealed by  
No. 9212  
s. 2(1),  
new s. 201  
inserted by  
No. 9528 s. 3,  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 130),  
41/1987  
s. 103(Sch. 4  
item 39.39),  
76/1998  
s. 11(i).

In any legal proceedings arising out of this or any other Act a certificate purporting to be under the seal of the Secretary that particular land was unalienated Crown land on a particular date or for a particular period specified in the certificate shall be prima facie evidence that the land was unalienated Crown land on that date or for that period.

S. 201A  
inserted by  
No. 9528 s. 3,  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 131),  
41/1987  
s. 103(Sch. 4  
item 39.40),  
76/1998  
s. 11(j),  
51/2016 s. 23.

## **201A Judicial notice of signature**

All courts, judges and persons acting judicially shall take judicial notice of the signature of every person who is or has been the Secretary for Lands, the Department Head of the Department or the Secretary.

No. 3709  
s. 165.

## **202 Declarations of forfeiture valid**

All notices published in the Government Gazette purporting to declare that the Governor in Council has revoked forfeited or declared void any lease or licence issued under any Act at any time in force relating to Crown lands or that any such lease or licence has expired shall be received in all courts of justice and by and before all persons acting judicially as conclusive evidence that the lease or licence was lawfully revoked forfeited or declared void or has expired as the case may be.

No. 3709  
s. 166.

## **203 Appeals**

S. 203  
(Heading)  
inserted by  
No. 3/2016  
s. 89(1).  
S. 203  
amended by  
Nos 7705  
s. 10, 9019  
s. 2(1)(Sch.  
item 102),  
57/1989  
s. 3(Sch  
item 109.7),  
3/2016  
s. 89(2),  
1/2022 s. 100.

Any person who feels himself aggrieved by any conviction or order of the Magistrates' Court under this Part may appeal therefrom to the County Court or, in case of a conviction or order of the Magistrates' Court constituted by the Chief Magistrate who is a dual commission holder, the Court of Appeal.

### **Division 14—Miscellaneous**

**204 All Crown grants and certain licences and leases to contain condition permitting mining on compensation for surface damage**

No. 3709  
s. 167.  
S. 204  
amended by  
Nos 92/1990  
s. 128(Sch. 1  
item 13.8  
(a)–(e)),  
63/2006  
s. 61(Sch.  
item 19).

There shall be inserted in every Crown grant of land alienated in fee-simple, and in every licence or lease of land with the right of acquiring the fee-simple thereof and in every perpetual lease a condition or covenant that such land is granted licensed or demised subject to the right of a licensee under the **Mineral Resources (Sustainable Development) Act 1990** or any corresponding previous enactment to enter therein and to do work within the meaning of the said Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which such person has now the right to do such work in and upon Crown lands provided that compensation as prescribed by Part 8 of the said Act is paid for surface damage to be done to such land by reason of doing such work on it.

**205 Lands alienated to be subject to conditions for mining**

No. 3709  
s. 168.

- (1) The Governor in Council may resume for mining purposes all lands alienated under the provisions of this Part on paying full compensation to the licensee lessee or owner for the value of the land and of the improvements so resumed.

Land Act 1958  
 No. 6284 of 1958  
 Part I—Crown lands generally

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|--|---|--|--|--|--|--|
| <p>S. 205(2)<br/>         amended by<br/>         Nos 7840<br/>         s. 21(a), 7876<br/>         s. 2(3),<br/>         57/1989<br/>         s. 3(Sch.<br/>         item 109.8),<br/>         92/1990<br/>         s. 128(Sch. 1<br/>         item 13.9<br/>         (a)(b)), 63/2006<br/>         s. 61(Sch.<br/>         item 19).</p> | <p>(2) If such value is not ascertained by agreement<br/>         within one month from the date of the<br/>         notification by the Governor in Council of his<br/>         intention to resume the land, then the licensee<br/>         lessee or owner thereof may proceed in the<br/>         manner provided by the <b>Mineral Resources<br/>         (Sustainable Development) Act 1990</b> to ascertain<br/>         the amount of compensation to which he may be<br/>         entitled under the provisions of this section.</p> |  |  |  |  |  |
| <p>S. 205(3)<br/>         amended by<br/>         No. 7840<br/>         s. 21(b),<br/>         repealed by<br/>         No. 92/1990<br/>         s. 128(Sch. 1<br/>         item 13.10).</p>   | <p style="text-align: center;">*            *            *            *            *</p>  |  |  |  |  |  |
| <p>S. 205(4)<br/>         amended by<br/>         Nos 7840<br/>         s. 21(c)(i)–(iii),<br/>         7876 s. 2(3),<br/>         57/1989<br/>         s. 3(Sch.<br/>         item 109.9),<br/>         repealed by<br/>         No. 92/1990<br/>         s. 128(Sch. 1<br/>         item 13.10).</p>                                     | <p style="text-align: center;">*            *            *            *            *</p>  |  |  |  |  |  |
| <p>S. 205(5)<br/>         amended by<br/>         Nos 7840<br/>         s. 21(d)(i)–(iii),<br/>         7876 s. 2(3),<br/>         57/1989<br/>         s. 3(Sch.<br/>         item 109.10),<br/>         repealed by<br/>         No. 92/1990<br/>         s. 128(Sch. 1<br/>         item 13.10).</p>                                    | <p style="text-align: center;">*            *            *            *            *</p>  |  |  |  |  |  |

- (6) The terms conditions and events upon which such lands may be resumed shall be determined by regulations in such manner as the Governor in Council from time to time directs.
- (7) Where under the provisions of any Act previously in force the Governor in Council was at the commencement of this Act entitled to resume any lands for mining purposes on paying compensation therefor, the Governor in Council, notwithstanding the repeal of such Act, may resume such lands for such purposes in accordance with the provisions of this section.

\* \* \* \* \*

S. 206 amended by No. 7228 s. 7(Sch. 4 Pt 19(oa)), repealed by No. 96/1994 s. 28.

\* \* \* \* \*

S. 207 repealed by No. 96/1994 s. 28.

**208 Exchange of Crown and private land upon alteration of road**

No. 3709 s. 171.

When the course of any road has been or is altered or is about to be altered, if the owner of the land over which the road in its altered state passes or is intended to pass is willing to exchange such land or any part of it for the land traversed by such road in its former or present state or for any part thereof, the Governor in Council may upon such terms as are mutually agreed on accept such exchange, and the Governor in Council may execute the proper conveyances accordingly.

## 209 Resumption of land for roads

Nos 3709  
s. 172, 4095  
s. 7.

S. 209  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(pa)).

S. 209(1)  
amended by  
No. 8461  
s. 35(a),  
substituted by  
No. 121/1986  
s. 112.

S. 209(1A)  
inserted by  
No. 121/1986  
s. 112.

S. 209(1B)  
inserted by  
No. 121/1986  
s. 112.

S. 209(2)  
amended by  
Nos 8461  
s. 35(b), 10011  
s. 16(1)(a)–(d).

- (1) If, in the opinion of the Governor in Council, there is no convenient access to any portion of Crown land, the Governor in Council may by notice in the Government Gazette resume any land (not exceeding 40 metres in width) which is required for the purpose of providing the access.
- (1A) Upon the resumption, the Minister must enter and take possession of the land and proceed as if the land were land which the Minister was authorized by Act of Parliament to acquire compulsorily.
- (1B) The **Land Acquisition and Compensation Act 1986** applies to the entry and taking of possession of the land by the Minister and the payment of compensation and for that purpose—
- (a) the **Land Act 1958** is the special Act; and
  - (b) the Minister is the Authority.
- (2) Where in the opinion of the Minister there is no convenient access to any portion of Crown lands or where any portion of Crown lands lies between and adjoins any land and any highway, road, creek, river or lake or where any portion of Crown lands forms the only convenient approach to any such land, or where buildings erected on such lands alienated encroach upon any portion of Crown lands, or where, in the opinion of the Minister, the proper and most efficient use of the Crown land is use in conjunction with adjoining freehold land, the Minister on behalf of Her Majesty may sell such portion of Crown lands not exceeding 13 hectares to the owner of the adjacent

freehold land, at a price and on terms and conditions which the Minister thinks fit.

Notwithstanding anything in any Act for the purposes of this subsection any reference herein to the owner of the adjacent freehold land shall be deemed and taken to include a reference to the executor of the will or the administrator of the estate of such an owner.

- (3) When the purchase price of land sold under this section is paid in full the Governor in Council shall grant in fee simple the land to the purchaser. S. 209(3) substituted by No. 10011 s. 16(2).
- (4) A Crown grant made under subsection (3) may be made subject to the condition that, within the time specified by the Minister, the person to whom the grant is made shall—
- (a) submit for certification under the **Subdivision Act 1988** to the council of the municipality of the municipal district in which the land is situated a plan of consolidation of the area formed by the land granted and the adjacent freehold land described in the grant; and S. 209(4)(a) amended by No. 48/1991 s. 77(1)(a)(b).
- (b) where the plan of consolidation is certified by the Council, lodge the plan with the Registrar of Titles for registration under that Act. S. 209(4)(b) substituted by No. 48/1991 s. 77(1)(c).
- (5) Where a Crown grant is made subject to a condition provided for in subsection (4), failure to comply with the condition within the time specified by the Minister shall render the grant null and void and the Minister may take and re-enter the land as if the grant had not been made and the money paid to purchase the land shall be forfeited to the Crown. S. 209(5) inserted by No. 10011 s. 16(2).

No. 3709  
s. 173.

## **210 Declaration to be made by appraiser**

Before any appraiser enters into the consideration of any matters referred to him under this Part, he shall in the presence of a justice make and subscribe the following declaration, that is to say:

"I do solemnly and sincerely declare that I have no interest either directly or indirectly in the matters in question, and that I will faithfully and honestly and to the best of my skill and ability make any appraisal and valuation required of me under the provisions of Part I of the **Land Act 1958**."

No. 3709  
s. 174.

## **211 Applicants for licences rights or leases before commencement of Act not prejudiced**

All persons who before the commencement of this Act have made application under any of the Acts hereby repealed for licences rights or leases to occupy any Crown lands shall in respect of the lands the subject of such applications, if such persons were competent to hold such licences rights or leases under the said repealed Acts, be deemed to be persons making application for licences rights or leases under this Act.

S. 212  
amended by  
Nos 57/1989  
s. 3(Sch.  
item 109.11),  
92/1990  
s. 128(Sch. 1  
item 13.11),  
10/2004  
s. 15(Sch. 1  
item 14.12),  
63/2006  
s. 61(Sch.  
item 19),  
repealed by  
No. 40/2020  
s. 47.

\* \* \* \* \*

\* \* \* \* \*

S. 213  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(qa)),  
8461 s. 36,  
41/1987  
s. 103(Sch. 4  
item 39.41),  
repealed by  
No. 40/2020  
s. 48.

## 214 Travelling cattle

No. 3709  
s. 177.

- (1) Every traveller may while he is travelling depasture his cattle and sheep unless the same are affected with any contagious or infectious disease upon any unsold Crown lands within 400 metres on either side of any road or track commonly used as a thoroughfare whether such lands are or are not comprised in any common but such cattle and sheep shall be driven every day towards the place of their destination the distance as hereinafter provided.
- (2) The provisions of the last preceding subsection shall not apply to the counties enumerated in the Ninth Schedule or to any counties or districts added thereto as hereinafter provided, but such travellers may within such counties and districts depasture their cattle upon any unsold Crown lands within 400 metres of any surveyed road, but the Governor in Council may by proclamation in the Government Gazette proclaim that all or any of such counties shall be subject to the provisions aforesaid and thereupon they shall be subject to such provisions accordingly.
- (3) The Governor in Council may by proclamation published in the Government Gazette add any counties or districts in such proclamation named

S. 214(1)  
amended by  
No. 8461 s. 37.

S. 214(2)  
amended by  
No. 8461 s. 37.

and described to the list of counties in the said Schedule and may at any time annul any such proclamation notice whereof shall be published as aforesaid, but no proclamation made under the provisions of this section shall be of any force or effect until one month after the date of such proclamation thereof.

- (4) The Governor in Council may by order published in the Government Gazette direct that subsection (1) shall not apply to any reserved forest or any part of a reserved forest as defined by the **Forests Act 1958** and any such order may at any time be revoked by the Governor in Council.

No. 3709  
s. 178.

**215 Notice to be given to occupier of land of intention to drive travelling cattle or sheep**

S. 215(1)  
amended by  
No. 8461  
s. 38(a)(b).

- (1) Every person intending to drive cattle or sheep across the land of any other person who is possessed of not less than five hundred sheep or through any common shall not less than twelve hours nor more than twenty-four hours before entering upon such land or common give or deliver at the residence of the occupier of such land or at the residence of the herdsman of the common or the manager (if any) residing on such land or if there is no occupier herdsman or manager residing on such land then shall post in some conspicuous place on such land a notice of his intention so to drive such cattle or sheep, and shall by such notice state whence he has brought the same and whither he is driving them; and all such cattle shall be driven every day a distance of not less than 13 kilometres and all such sheep shall be driven every day a distance of not less than 10 kilometres in the direction of the place mentioned in the notice as the place to which it is intended to drive such cattle or sheep respectively.

- (2) Every person who offends against any of the provisions of this section unless by reason of some cause which appears satisfactory to the court shall for every such offence be liable to a penalty of not more than 0·4 penalty unit.

S. 215(2)  
amended by  
No. 10/2004  
s. 15(Sch. 1  
item 14.13).

**216 Survey officers may enter upon private lands**

No. 3709  
s. 179.

- (1) Any surveyor or officer acting under the authority of the Minister and any other person acting in aid or under the orders of such surveyor or officer may from time to time without making compensation—

S. 216  
amended by  
No. 7288  
s. 7(Sch. 4  
Pt 19(ra)).

- (a) enter into and upon any land not being a garden orchard or ornamental plantation of any person or persons whomsoever for the purpose of making and carrying on any survey authorized by any law heretofore in force or by this Part or by the orders of the Minister and for the purpose of fixing any object to be used in the survey on any post stone or boundary mark whatsoever; and
- (b) fix and place any such object post stone or boundary mark whatsoever in the land or upon any wall tree or post in the land of any person whomsoever and dig up any ground for the purpose of fixing any such object post stone or boundary mark and cut down and remove any scrub or timber which may obstruct any survey line.
- (2) Such surveyor and his assistants and workmen shall do as little damage as may be in the execution of the several powers to them granted by this Part or by such orders.

No. 3709  
s. 180.

S. 217  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(sa)),  
92/1990  
s. 128(Sch. 1  
item 13.12  
(a)(b)), 63/2006  
s. 61(Sch.  
item 19).

## 217 Privilege of public officers on duty and of holders of miner's rights

Where any person is employed or engaged in any public service or when any holder of a miner's right is actually engaged in searching upon Crown lands for any mineral within the meaning of the **Mineral Resources (Sustainable Development) Act 1990** if any such person or holder has with him in pursuance and for the purposes of his duty or in the reasonable prosecution of such search any cattle he may during the continuance of such employment or service or search depasture all such cattle upon any Crown lands whether commonable or otherwise and may encamp thereon.

S. 218  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(ta)),  
7548 s. 6(g)(i)–  
(iii), 7623 s. 3,  
repealed by  
No. 9212  
s. 2(1), new  
s. 218  
inserted by  
No. 40/2009  
s. 31.

## 218 Leases may provide for removal of buildings and restoration of land

A lease under this Act may provide that the lessor may require the lessee to undertake the removal of any building or structure on the land and the restoration of the site to the satisfaction of the lessor after the expiry of the lease.

S. 219  
amended by  
Nos 6504 s. 2,  
7228  
s. 7(Sch. 4  
Pt 19(ua)) (as  
amended by  
No. 7332  
s. 3(Sch. 1  
item 142)),  
7548  
s. 6(h)(i)(ii),  
repealed by  
No. 9212  
s. 2(1).

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Land Act 1958  
No. 6284 of 1958  
Part I—Crown lands generally

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|---|---|---|---|---|--|
| * | * | * | * | * | S. 220<br>amended by<br>No. 7228<br>s. 7(Sch. 4<br>Pt 19(va)<br>(i)–(iii)),<br>substituted by<br>No. 7623 s. 2,<br>amended by<br>Nos 8081<br>s. 3(4), 8702<br>s. 55(10)(b),<br>9102 s. 2(a)(b),<br>repealed by<br>No. 9212<br>s. 2(1).     |
| * | * | * | * | * | S. 221<br>amended by<br>Nos 7228<br>s. 7(Sch. 4<br>Pt 19(wa)),<br>7275 s. 8(2),<br>substituted by<br>No. 7623 s. 2,<br>amended by<br>Nos 8081<br>s. 3(4), 8702<br>s. 55(10)(c),<br>9102 s. 3(a)(b),<br>repealed by<br>No. 9212<br>s. 2(1). |
| * | * | * | * | * | S. 222<br>amended by<br>No. 7228<br>s. 7(Sch. 4<br>Pt 19(xa)<br>(i)–(iii)),<br>repealed by<br>No. 7623 s. 2.   |
| * | * | * | * | * | S. 222A<br>inserted by<br>No. 7048 s. 2,<br>amended by<br>No. 8243 s. 2,<br>repealed by<br>No. 9212<br>s. 2(1).  |

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Part I—Crown lands generally

S. 222B  
inserted by  
No. 8060 s. 4,  
repealed by  
No. 9212  
s. 2(1).

\* \* \* \* \*

S. 222C  
inserted by  
No. 8310 s. 3,  
repealed by  
No. 9212  
s. 2(1).

\* \* \* \* \*

S. 223  
repealed by  
No. 9212  
s. 2(1).

\* \* \* \* \*

S. 224  
amended by  
No. 7733 s. 35,  
repealed by  
No. 9212  
s. 2(1).

\* \* \* \* \*

S. 224A  
inserted by  
No. 8652 s. 4,  
repealed by  
No. 9212  
s. 2(1).

\* \* \* \* \*

No. 3709  
s. 188.

**225 Unbranded wild cattle to belong to Crown**

S. 225  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(ya)).

All unbranded wild cattle above the age of twelve months which shall at any time be depasturing on any Crown lands and which have no reputed or apparent owner shall be and shall be deemed and taken to be the property of Her Majesty; and it shall be lawful for the Minister to cause the same to be sold and disposed of in such manner as the Governor in Council may direct; and the purchaser of such cattle on obtaining the written authority of the Minister for that purpose shall be

at liberty within such time and in such a manner as may be mentioned in such authority with necessary and proper assistance to shoot or take possession of such cattle, and for that purpose to enter upon any Crown lands whereon the same are depasturing.

\* \* \* \* \* Ss 226, 227  
repealed by  
No. 9212  
s. 2(1).

## 228 Interest on rent etc. in arrear

Nos 3709  
s. 190, 4181  
s. 6.

(1) Where any rent royalty licence-fee or other payment under any lease licence or other agreement for the occupation of Crown land is in arrear—

S. 228(1)  
amended by  
No. 9805  
s. 4(a).

(a) for one year or any longer period—where such rent royalty licence-fee or payment is payable yearly or half-yearly; or

(b) for three months or any longer period—where such rent royalty licence-fee or payment is payable quarterly or for any period less than a quarter—

interest thereon shall (unless otherwise expressly provided) be paid by such lessee licensee or other occupant (as the case may be) at such rate as is determined from time to time by the Minister for the period commencing on the day when such rent royalty licence-fee or payment become due and ending—

(i) on the last day of the year last preceding the year in which payment is made—in any case where the rent royalty licence-fee or payment is paid yearly; or

- (ii) on the last day of the half-year last preceding the half-year in which payment is made—in any case where the rent royalty licence-fee or payment is payable half yearly; or
- (iii) on the last day of the quarter last preceding the quarter in which payment is made—in any case where the rent royalty licence-fee or payment is payable quarterly; or
- (iv) on the last day of the quarter last preceding the quarter in which payment is made—in any case where the rent royalty licence-fee or payment is payable for any period less than a quarter: Provided that in any case under this subparagraph the period for the payment of interest shall commence on the day after the last day of the quarter during which such rent royalty licence-fee or payment became due.

S. 228(2)  
substituted by  
No. 9805  
s. 4(b).

- (2) This section shall apply to—
  - (a) all leases or licences of Crown land issued or renewed under this Act or any Act repealed by this Act;
  - (b) all other agreements for the occupation of Crown land whether made before or after the commencement of this Act;
  - (c) demises and purchase leases issued or renewed under the **Agricultural Colleges Act 1958**;
  - (d) leases issued under the **Closer Settlement Act 1938**;
  - (e) leases and licences granted under the **Mt. Hotham Alpine Resort Act 1972**; and
  - (f) the amounts required to be paid under section 24 of the **Mt. Hotham Alpine Resort Act 1972**.

- (3) Nothing in this section shall prejudice or lessen any rights powers or remedies of Her Majesty or the Minister under any such licence or lease or agreement for the occupation of Crown land or extend to or confer on any licensee or lessee or other occupant any rights whatsoever in addition to those contained in any such licence or lease or agreement (as the case may be).

S. 228(3)  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(za)).

## 229 Agreement with electricity company

- (1) The Minister may enter into an agreement with an electricity company—

- (a) to manage and control; or  
(b) to carry out duties functions and powers related to the company's purpose on—

any Crown land, other than land that is a reference area under the **Reference Areas Act 1978**, that is used for the purposes of or in connection with the company's purpose.

- (2) An agreement under subsection (1)—

- (a) must be in writing; and  
(b) may be amended from time to time or terminated by further written agreement between the parties; and  
(c) must contain provisions with respect to the protection and conservation of the land subject to the agreement.

- (3) In this section—

*electricity company* means a generation company, transmission company or distribution company within the meaning of the **Electricity Industry Act 2000**;

S. 229  
amended by  
No. 6886 s. 3,  
repealed by  
No. 7548  
s. 8(2)(a),  
new s. 229  
inserted by  
No. 48/1996  
s. 24,  
substituted by  
No. 55/1997  
s. 28.

S. 229(3)  
def. of  
*electricity  
company*  
amended by  
No. 69/2000  
s. 55(3).

*company's purpose* means—

- (a) in relation to an electricity company that is a generation company, the generation of electricity for the purposes of supply or sale;
- (b) in relation to an electricity company that is a transmission company, the transmission of electricity;
- (c) in relation to an electricity company that is a distribution company, the distribution or supply of electricity.

Land Act 1958  
No. 6284 of 1958

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Pt 2  
(Heading and  
ss 230–273)  
amended by  
Nos 6505  
s. 2, 6746 s. 3,  
6886 s. 3, 7228  
s. 7(Sch. 4  
Pt 19(ab)–(ub),  
7332 s. 2(Sch.  
1 items 40–  
43), 7548  
s. 8(2)(a)(c),  
8181  
s. 2(1)(Sch.  
items 95, 96),  
8461 ss 39–  
45, 9019  
s. 2(1)(Sch.  
items 99, 103),  
9183 s. 6(1),  
9921 s. 255,  
10087  
s. 3(1)(Sch. 1  
items 132,  
133), 41/1987  
s. 103(Sch. 4  
items 39.42–  
39.48),  
18/1989  
s. 13(Sch. 2  
item 41(p)),  
44/1989  
s. 41(Sch. 2  
item 22.1),  
92/1990  
s. 128(Sch. 1  
item 13.13),  
52/1994  
s. 97(Sch. 3  
items 16.17–  
16.22),  
repealed by  
No. 96/1994  
s. 25.

## Part III—Leases of agricultural college lands

Pt 3  
(Heading and  
ss 274–297)  
amended by  
Nos 6505 s. 2,  
6886 s. 3, 7228  
s. 7 (Sch. 4  
Pt 19(vb)  
(wb)), 7315  
s. 3(Sch. 1),  
7548  
s. 8(2)(a)(d),  
7733 s. 34,  
8461 ss 3,  
46–49, 9019  
s. 2(1)(Sch.  
item 99),  
repealed by  
No. 9183 s. 7,  
new Pt 3  
(Heading and  
s. 273)  
inserted by  
No. 9812  
s. 7(1)(g).

New s. 273  
inserted by  
No. 9812  
s. 7(1)(g).

### 273 Demises

- (1) This Part applies to any demise subsisting at the date of repeal of the **Agricultural Colleges Act 1958** being a demise—
  - (a) that by paragraph (c) of section 5 of the **Agricultural Colleges Act 1944** was—
    - (i) declared not to be affected, save as thereafter provided, by the foregoing provisions of that section; and
    - (ii) notwithstanding anything in the Land Acts, declared to continue and authorized to be renewed from time to time in accordance with that paragraph and the proviso and further proviso to that paragraph; and

- (b) was so continued and renewed or was so continued but was renewed in accordance with section 5A(1) of the **Agricultural Colleges Act 1958**.
- (2) A demise to which this Part applies may from time to time be renewed by the Minister subject to such terms and conditions as he thinks fit and for a term of years not exceeding thirty years and the rent under such a renewal may be refixed at intervals of five years after the date of renewal.
- (3) No renewal of any demise to which this Part applies shall prevent the land subject to that demise or any part of that land from being reserved pursuant to section 4 of the **Crown Land (Reserves) Act 1978** but upon any such reservation the demise shall be deemed to relate only to such part (if any) of that land as is not affected by the reservation and the rent thereafter payable under the demise shall be reduced by an amount to be determined by the Minister as being proportionate to the value of the land reserved.
- (4) Where any land is subject to a demise to which this Part applies and in the opinion of the Minister—
- (a) that land constitutes or forms an essential part of the farm of the lessee; or
  - (b) any portion of that land is essential to the farming operations of the lessee—

the Governor in Council, notwithstanding anything in any other section of this Act but subject to this subsection, may, on the recommendation of the Minister dispose of that land or portion to the lessee either by purchase lease at a rental determined by the Minister or by grant in fee simple at a price determined by the Minister and the following provisions shall apply

in respect of any recommendation, demise or grant under this subsection—

S. 273(4)(i)  
amended by  
No. 27/2001  
s. 3(Sch. 1  
item 4.3).

- (i) no such recommendation shall be made if in the opinion of the Minister the disposal of the land or portion would result in an undesirable aggregation of holdings by the lessee or by the lessee and his spouse or domestic partner;
- (ii) no such recommendation shall be made in respect of any land which in the opinion of the Minister is required for any public purpose;
- (iii) every purchase lease under this subsection shall be in such form and subject to such terms and conditions as are prescribed by the regulations;
- (iv) the purchase price of the land or portion shall be determined by the Minister before it is demised or granted under this subsection;
- (v) upon payment of the purchase money so determined the lessee of the land or portion demised under this subsection shall if he has complied with the terms and conditions of the purchase lease be entitled to a grant in fee simple of the land or portion so demised;
- (vi) every grant in fee simple under this subsection shall be subject to such covenants conditions exceptions and reservations as the Governor in Council directs;
- (vii) all rents and purchase moneys under this subsection shall be paid into and form part of the Consolidated Fund.

Land Act 1958  
No. 6284 of 1958  
Part III—Leases of agricultural college lands

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|---|---|---|---|---|--|
| * | * | * | * | * | <b>Ss 274–296<br/>repealed by<br/>No. 9183 s. 7.</b>   |
| * | * | * | * | * | <b>S. 297<br/>repealed by<br/>No. 7548<br/>s. 8(2)(a).</b>   |
| * | * | * | * | * | <b>Pt 4<br/>(Heading and<br/>ss 298–301)<br/>amended by<br/>Nos 7228<br/>s. 7(Sch. 4<br/>Pt 19(xb)),<br/>8461 s. 50,<br/>repealed by<br/>No. 8763<br/>s. 4(1).</b> |

## Part V—Development leases

No. 5585 s. 2.

### 302 Definitions

In this Part unless inconsistent with the context or subject-matter—

S. 302 def. of *Board* repealed by No. 7228 s. 7(Sch. 4 Pt 19(yb)).

\* \* \* \* \*

*Committee* means the Development Leases Consultative Committee constituted under this Part;

*development lease* means a development lease granted under this Part;

S. 302 def. of *Minister* repealed by No. 7228 s. 7(Sch. 4 Pt 19(yb)).

\* \* \* \* \*

*Society* means the Australian Mutual Provident Society.

Nos 5585 s. 3, 5631 s. 2.

### 303 Power to Governor in Council to grant development leases

(1) Notwithstanding anything to the contrary in this Act or any other Act or enactment the Governor in Council may grant to the Society a lease or leases (in this Part called "development leases") comprising all or any part of the land described in the Thirteenth Schedule to this Act.

S. 303(2) amended by No. 7228 s. 7(Sch. 4 Pt 19(zb)(i)).

(2) The term for which any development lease is granted shall be twenty-five years, and the rent shall be of such amount and payable in such manner as is determined by the Minister and expressed in the development lease.

- (3) Every development lease shall make provision with respect to the following matters—
- (a) the carrying out by and at the expense of the Society of—
    - (i) the general improvement of the land comprised in the lease for primary production purposes;
    - (ii) the subdivision of the land comprised in the lease, by means of surveys carried out in accordance with the regulations relating to surveys under this Act and approved by the Surveyor-General, and the setting out thereof into farms and for roads and other purposes considered by the Society to be necessary or expedient in connexion with those farms; and
    - (iii) the further development of each such farm by the erection of all necessary buildings fences and structures thereon and the carrying out of improvements thereto to such extent as to make the farm available for practical economic farming thereon;
  - (b) the allocation by the Society for such consideration in each case as the Society thinks fit of such farms to persons chosen by the Society and approved by the Minister to be the settlers on such farms, and the giving of preference in such allocation, so far as practicable, to persons who were members of the naval military and air forces of His Majesty or the Commonwealth or any other of the King's Dominions during the war which commenced in the year One thousand nine hundred and fourteen or the war which

commenced in the year One thousand nine hundred and thirty-nine;

- (c) the payment by the Society or such settlers of all rates taxes and other charges payable on or in respect of any land comprised in the development lease;
- (d) the surrender to Her Majesty by the Society of the whole or any part of the land comprised in any development lease but so that no compensation or consideration whatsoever shall be paid or payable by the Crown for or in consideration of any such surrender;
- (e) the grant to a settler chosen by the Society and approved by the Minister as aforesaid of a Crown grant in fee simple of the land comprised in any such farm upon the application of the Society, the surrender to Her Majesty of the development lease as to the said land and the payment by the Society or the settler of—
  - (i) the unimproved value of the said land as at the date of grant of the development lease less an appropriate part of the moneys paid as rent in respect of the development lease;
  - (ii) a Crown grant fee in accordance with the scale of fees fixed by regulations under this Act; and
  - (iii) the appropriate amount payable to the assurance fund based on the said unimproved value; and
- (f) such other matters as the Governor in Council thinks fit.

S. 303(3)(d)  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(zb)(ii)).

**304 Power to suspend development in certain circumstances**

No. 5585 s. 4.

Whenever the Minister is satisfied that circumstances have arisen in which the Society could not reasonably be expected to continue for the time being the development of the land comprised in any development lease, the Minister may from time to time by writing suspend for such period as he thinks fit the operation of the provisions of the development lease requiring the Society to carry out such development; and thereupon such provisions shall be suspended accordingly and the term for which the development lease was granted shall be deemed to be extended by the like period.

**305 Power to Governor in Council to make necessary grants to settlers and a grant to the Society**

No. 5585 s. 5.

Notwithstanding anything to the contrary in this Act or any other Act or enactment—

- (a) the Governor in Council may make all such Crown grants of any lands comprised in any development lease and do all such other acts matters and things as may be necessary or expedient in order to comply with the terms and conditions of the lease; and
- (b) the Governor in Council may grant to the Society in fee simple an area of land (not exceeding 2025 hectares in all) which has been comprised in a development lease, upon the surrender to Her Majesty of the development lease as to the said area and upon payment by the Society of—
  - (i) the unimproved value of the said area as at the date of grant of the development lease less an appropriate

S. 305(b)  
amended by  
No. 8461 s. 51.

part of the moneys paid as rent in respect of the development lease;

- (ii) a Crown grant fee in accordance with the scale of fees fixed by regulations under this Act; and
- (iii) the appropriate amount payable to the assurance fund based on the said unimproved value.

No. 5585 s. 6.

**306 Licence entitling Society to enter and make tests on land in Thirteenth Schedule**

The Minister may from time to time grant to the Society for any term not exceeding five years a licence entitling the Society by its servants agents and workmen—

- (a) to enter upon the whole or any part of the land described in the Thirteenth Schedule to this Act which is not for the time being subject to any development lease; and
- (b) to cause all such tests and experiments to be made thereon as may be necessary or expedient for the purpose of determining whether that land is suitable for development pursuant to a development lease under this Part.

No. 5585 s. 7.

**307 Development Leases Consultative Committee**

- (1) For the purposes of this Part there shall be established a committee to be called the "Development Leases Consultative Committee".
- (2) The committee shall consist of—

- (a) an officer of the Department appointed as chairman of the committee by the Minister;

S. 307(2)(a)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 134),  
51/2016  
s. 24(a).

- (b) an officer of the Department of Economic Development, Jobs, Transport and Resources appointed by the Minister for Agriculture; and
- (c) another officer of the Department appointed by the Minister.
- (3) Any appointment for the purposes of this section may be made for such period as the appointing Minister thinks fit, and the appointing Minister may at any time remove a member of the committee appointed by him and appoint another in his stead.
- (4) A quorum of the committee shall consist of the chairman and one other member, and during any vacancy in the office of a member of the committee other than the chairman the remaining members may act as if no vacancy existed.
- (5) The proceedings of the committee shall be conducted in such manner as the members think proper.
- (6) The functions of the committee shall be—
- (a) to recommend to the Minister provisions, not inconsistent with this Part, for insertion in development leases for the purposes of promoting soil and water conservation and safeguarding primary production in settled areas adjacent to the lands to be leased;
  - (b) to report to the Minister from time to time and, in particular, when the Minister so requires upon the progress of development under development leases;

S. 307(2)(b)  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
item 39.49),  
51/2016  
s. 24(b).

S. 307(2)(c)  
substituted by  
No. 41/1987  
s. 103(Sch. 4  
item 39.50).

Land Act 1958  
No. 6284 of 1958  
Part V—Development leases

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- (c) to consult with the Society at the request of the Society or upon the direction of the Minister upon matters affecting the development of lands leased under this Part; and
- (d) to do such other acts matters and things as the Minister directs.

Pt 6  
(Heading and  
ss 308–330)  
amended by  
Nos 6886 s. 3,  
7228 s. 7  
(Sch. 4  
Pt 19(ac)–  
(dc)), 7332  
s. 2(Sch. 1  
items 44–46),  
7548  
s. 8(2)(a)(c),  
8461 ss 52, 53,  
repealed by  
No. 9183 s. 8.

\* \* \* \* \*

Pt 7  
(Heading and  
ss 331–333)  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(ec)–  
(gc)), 7332 s. 2  
(Sch. 1  
item 47),  
121/1986  
s. 112,  
repealed by  
No. 75/1994  
s. 16(c).

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## Part VIII—Leases and licences for electric lines

### 334 Power to lease or license land for construction thereon of electric line

No. 3709  
s. 289.

- (1) It shall be lawful for the Governor in Council to grant for a term not exceeding twenty-one years from the date thereof leases or licences of any land forming part of any lands of the Crown (including water reserves but not including any lands within a reserved forest) for enabling the lessee or licensee subject to the **Electricity Industry Act 2000** and the **Electricity Safety Act 1998** to construct and maintain on the land so leased or licensed an *electric line* as defined in section 3 of the **Electricity Safety Act 1998**.
- (2) The land which may be so leased or licensed shall not exceed 20 metres in width.

S. 334(1)  
amended by  
Nos 25/1998  
s. 169, 69/2000  
s. 55(4)(a)(b).

S. 334(2)  
amended by  
No. 8461 s. 54.

### 335 Covenants conditions etc. of lease or licence<sup>7</sup>

No. 3709  
s. 290.

Every lease or licence under this Part shall be subject to such covenants terms restrictions limitations reservations and conditions and to the payment of such rent or fee as to the Governor in Council seems fit and every such lease or licence and the lessee or licensee and the executors administrators and assigns of every such lessee or licensee shall be subject to any regulations made under the **State Electricity Commission Act 1958** or any Act thereby repealed or the **Electricity Industry Act 2000** so far as the same are applicable.

S. 335  
amended by  
Nos 130/1993  
s. 122(Sch. 4  
item 8),  
69/2000  
s. 55(5).

No. 3709  
s. 291.

### **336 Notice of application**

Notice of application for any lease or licence under this Part and of the purpose for which it is proposed to be granted shall be published before the granting thereof in four consecutive ordinary numbers of the Government Gazette and twice in some daily newspaper published in Melbourne.

No. 3709  
s. 292.  
S. 337  
amended by  
Nos 8461  
s. 55, 92/1990  
s. 128(Sch. 1  
item 13.14).

### **337 Mining not restricted**

The fact that any land is leased or licensed under this Part shall not prevent any person mining by virtue of a mining licence under the land so leased or licensed: Provided that such mining be carried on at a distance below the surface of such land of not less than 15 metres: Provided also that any person mining under such land by virtue of a mining licence shall not be liable to pay to the lessee or licensee of such land any royalty or any compensation whatever for consequential damages.

No. 3709  
s. 293.

### **338 Copy of lease or licence to be laid before Parliament before issue**

No such lease or licence shall be granted until a copy thereof has been laid before both Houses of Parliament for a period of fourteen days.

## Part IX—General

### 339 Lands of the Crown to be alienated only down to such depth as Governor in Council directs

No. 3709  
s. 294.

(1) All lands of the Crown which are sold or in any manner alienated from the Crown or in respect of which a lease or licence to hold or occupy the same for other than the purpose of mining or winning getting or working metals or minerals is issued shall be sold or otherwise alienated leased or licensed as aforesaid only down to such depth below the surface as the Governor in Council may by any order direct.

S. 339(1)  
amended by  
No. 79/1993  
s. 7(1).

(2) Nothing in this section or in any such Order in Council contained shall be deemed or taken to restrict the right of the owner lessee or licensee of the surface to sink wells for water and to the use and enjoyment of any wells and springs which may at any time be upon such land and which supply water for domestic farming agricultural manufacturing or irrigation purposes, and every such owner lessee and licensee shall subject to the **Water Act 1989** have such rights with respect to such wells and springs as though he held or occupied such land without any limitation as to depth.

S. 339(2)  
amended by  
Nos 7849  
s. 3(4)(b),  
81/1989  
s. 3(Sch  
item 25.14).

(3) Nothing in subsection (1) shall apply to any lands which before the twenty-ninth day of December One Thousand eight hundred and ninety-one had in fact been sold although at the said date no Crown grant had actually issued; and nothing in the said subsection shall be taken to apply to or affect any person's interest in any land of the Crown if such person or his predecessor in title held such land as lessee or licensee at the said date although at such date no lease or licence had actually issued in respect of the same.

S. 339(4)  
inserted by  
No. 90/1989  
s. 8(d).

- (4) Subsection (1) does not apply to a licence for a stratum of Crown land to which section 138A applies.

S. 339(5)  
inserted by  
No. 79/1993  
s. 7(2).

- (5) Subsection (1) does not apply to—
- (a) a lease of a stratum of Crown land under subdivision 1 of Division 9 of Part I; or
  - (b) an alienation in fee simple of a stratum of Crown land to which section 339A applies.

S. 339(6)  
inserted by  
No. 79/1993  
s. 7(2).

- (6) Subsection (1) does not restrict the alienation by the Crown of the surface of land or of land to any height above the surface.

S. 339A  
inserted by  
No. 79/1993  
s. 8.

**339A Alienation of Crown land in strata**

- (1) A provision of this Act that authorises the sale or alienation in fee simple of Crown land authorises the sale or alienation of—
- (a) Crown land that is not limited to a particular stratum; or
  - (b) a stratum of Crown land.
- (2) Subsection (1) does not affect or take away from any entitlement that a person may have under a provision of this Act or a lease under this Act to the issue of a Crown grant for any land.
- (3) The Minister must not recommend to the Governor in Council that a Crown grant for a stratum of Crown land be issued under this Act unless the Minister is satisfied that—
- (a) the proposed grantee and the grantee's successors in title can obtain reasonable access to and use of the land; and

- (b) the grant would not interfere with the exercise of rights by the registered proprietor, lessee or licensee of other land; and
  - (c) provision has been made (in the grant or otherwise) for any necessary rights of support of the stratum and any other land and of any building or structure erected or to be erected on those lands; and
  - (d) provision has been made (in the grant or otherwise) for any necessary rights for the passage or provision of services (including drainage, sewerage, or the supply of water, gas, electricity or telephone) to or through the stratum, where those rights are necessary for the reasonable enjoyment of the stratum or other land; and
  - (e) in the case of land described in subsection (6)(a) to (d), the exercise of the grantee's rights under the grant will not interfere with the use of that land by the public.
- (4) In determining whether the requirements of subsection (3)(a), (c) and (d), have been met the matters which the Minister may take into account include, but are not limited to, any of the following—
- (a) the fact that the proposed grantee is the owner, lessee or occupier of land that can be used for access to or support of the stratum and for services to or through the stratum;
  - (b) the fact that the proposed grantee has obtained rights over neighbouring land sufficient to enable access to or support of the stratum or for services to or through the

- stratum, whether those rights are proprietary or not, and however they are created;
- (c) the extent to which the rights referred to in paragraph (b) are capable of being enjoyed by the grantee's successors in title.
- (5) The issue of a Crown grant for a stratum of Crown land is conclusive proof of compliance with subsection (3).
- (6) Despite anything in this Act or the **Crown Land (Reserves) Act 1978**, a Crown grant may be issued for a stratum of Crown land even though the land is—
- (a) shown as a road on a map or plan kept in the Central Plan Office; or
  - (b) proclaimed as a road or public highway; or
  - (c) reserved as a road under the **Crown Land (Reserves) Act 1978**; or
  - (d) a freeway or an arterial road within the meaning of the **Road Management Act 2004**—

S. 339A(6)(d)  
amended by  
No. 12/2004  
s. 161(2).

if the stratum to be granted does not include the level at which the road is constructed.

- (7) On the date of issue of a Crown grant for a stratum of Crown land above or below any land on which a road is constructed—
- (a) any reservation of the land as a road is revoked to the extent that it applies to that stratum; and
  - (b) that stratum ceases to be a proclaimed road or public highway and ceases to be a road within the meaning of the **Road Management Act 2004**; and

S. 339A(7)(b)  
amended by  
No. 6/2010  
s. 203(1)  
(Sch. 6  
item 27.2) (as  
amended by  
No. 45/2010  
s. 22).

- (c) the stratum ceases to be a road and all rights, easements and privileges, existing or claimed either in the public or by any body or person as incident to any express or implied grant or dedication or supposed dedication or by use or operation of law or otherwise, cease.
- (8) Without limiting what may be included in a Crown grant for a stratum of Crown land, the terms, conditions, covenants, exceptions, reservations or limitations in the grant may provide for any of the following—
  - (a) access to other land over the land in the grant;
  - (b) the support of the stratum or other land or any building or structure erected or to be erected on those lands;
  - (c) prevention of interference by the grantee and the grantee's successors in title with the use or enjoyment of other land;
  - (d) the prevention of interference by the grantee and the grantee's successors in title with the use of any road by the public and the protection, maintenance and management of a road below or above the stratum.
- (9) No compensation is payable by the Crown in respect of anything done under or arising out of subsections (6) or (7).

**339B Easements ancillary to alienation in strata**

- (1) This section is in addition to and does not take away from sections 134A and 339A.
- (2) The Minister may in accordance with this section create easements over Crown land to enable access to a stratum of Crown land or support of that land or a building or structure erected or to be

S. 339B  
inserted by  
No. 79/1993  
s. 8.

erected on it or for the passage or provision of services to the stratum.

- (3) The easement is created on the Minister lodging at the Central Plan Office a plan showing the lands benefited and burdened by the easement and its purpose.
- (4) The easement must be taken to be capable of benefiting land even though the stratum to be benefited may not have been brought into existence at the date of creation of the easement.
- (5) A Crown grant of land burdened by an easement created under this section must be subject to that easement.
- (6) If a Crown grant has not been issued for land burdened by an easement created under this section, the Minister may extinguish an easement created under this section if—
  - (a) the registered proprietor of the land benefited by the easement so requests; or
  - (b) no Crown grant has been issued and no lease is in force for the stratum of Crown land benefited by the easement and the Minister considers that it is no longer appropriate to alienate the land in the strata.
- (7) An easement created under this section may also be extinguished in any way in which other easements may be extinguished.
- (8) On being requested to do so by the Minister or the registered proprietor of the land concerned and on production of any relevant instrument or document the Registrar of Titles must make—
  - (a) an appropriate recording on any relevant folio of the Register under the **Transfer of Land Act 1958** that any land in the folio is

benefited by an easement created under this section; or

(b) any amendments to that Register that are necessary because of the extinguishment of an easement so created.

(9) Despite subsection (8) it is not necessary to produce a certificate of title for each relevant folio of the register referred to in that subsection.

**340 Right to metals and minerals not to go with the land<sup>8</sup>**

So far as regards any metal or mineral whatever declared by any Act to be the property of the Crown no grant or lease or licence shall purport to or shall pass or convey the property in or right to any metal or mineral on in or under such land, but the same shall, subject to the **Mineral Resources (Sustainable Development) Act 1990**, remain the property of the Crown.

No. 3709  
s. 295.  
S. 340  
amended by  
Nos 92/1990  
s. 128(Sch. 1  
item 13.15  
(a)(b)), 63/2006  
s. 61(Sch.  
item 19).

**341 Crown lands enhanced in value by proximity of railway or waterworks etc.**

No. 3709  
s. 296.

(1) If at any time it appears to the Governor in Council that the value of any lands of the Crown has been or will be enhanced—

(a) by the proximity thereto of any line of railway or of the course of any authorized line of railway or of any line of railway the construction of which has been declared by resolution of the Legislative Assembly to be expedient;

(b) by such lands being within any waterworks district or any irrigation and water supply district;

S. 341(1)(c)  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(hc)),  
9921 s. 255,  
44/1989  
s. 41(Sch. 2  
item 22.2),  
104/1997  
s. 49(1),  
30/2000  
s. 36(1),  
6/2010  
s. 203(1)  
(Sch. 6  
item 27.3) (as  
amended by  
No. 45/2010  
s. 22).

(c) by any public work executed by or on behalf of the Crown or the Minister of Public Works or Victorian Rail Track within the meaning of section 3 of the **Transport Integration Act 2010** on or in proximity of such lands; or

(d) by any two or more of such circumstances combined—

the Governor may by Order in Council published in the Government Gazette declare that the value of such lands of the Crown is so enhanced, and shall in such order specify the nature of any such works as are hereinbefore specified by which the same is so enhanced.

S. 341(2)  
amended by  
No. 8461 s. 56.

(2) In every such order the Governor in Council shall fix a sum as the minimum sum per hectare for which such lands may thereafter be alienated in fee simple or as the minimum sum per hectare per annum payable as rent or licence-fee under any lease or licence thereafter issued in respect of such lands.

S. 341(3)  
amended by  
No. 8181  
s. 2(1)(Sch.  
item 97).

(3) The sum so fixed shall not be less than one-eighth part greater than the upset or minimum price for which such lands might but for such Order in Council be acquired in fee-simple leased or occupied under licence (as the case may be) by any purchaser selector lessee licensee or other person under any Act relating to Crown lands.

- (4) In fixing such sum regard shall be had to the benefit likely to be derived from the construction of any such works as aforesaid by the person who may acquire the freehold of such lands or hold or occupy the same under lease or licence.
- (5) Such Order in Council shall not affect the right which any person as a Crown lessee at the date of the making of such Order in Council or any person claiming through him may have to select any lands, nor apply to any such selection, nor apply to or affect any grant or lease of any lands which any person may be entitled to by virtue of such lands having been selected by him or by the person through whom he claims before the making of such Order in Council.
- (6) Where the annual rent or licence-fee payable under any lease or licence of any lands of the Crown is taken in part payment of the purchase money of such lands such lease or licence shall contain a covenant or condition that such lands shall be during the currency of such lease or licence (as the case may be) deemed lands of the Crown within the meaning of this section and that upon the making of any Order in Council under the provisions hereinbefore in this section contained the enhanced rent or licence-fee thereof fixed by such Order in Council shall be payable in respect of such lands as though such rent or licence-fee had been so fixed prior to the making of such lease or licence.
- (7) The whole amount due or to become due as the enhanced rent or licence-fee of such lands of the Crown shall be payable in equal half-yearly instalments extending over the unexpired period of such lease or licence and at such times as other payments in respect of the rent or licence-fee of such lands are due.

- (8) Any payment so made as such enhanced rent or licence-fee shall be subject to any claim for repayment at the expiration of ten years from the actual date of the Order in Council as hereinafter provided.
- (9) Nothing herein contained shall affect the right which any person as a Crown lessee before the twenty-ninth day of December One thousand eight hundred and ninety-one or any person claiming through him may have to select any lands, or shall apply to any such selection, or shall apply to or affect any grant or lease of any lands which any person may be entitled to by virtue of such lands having been selected by him or by any person through whom he claims before the twenty-ninth day of December One thousand eight hundred and ninety-one.

No. 3709  
s. 297.

#### **342 Additional price how to be paid and applied**

- (1) Any sum so fixed as additional to the ordinary upset or minimum value of such lands of the Crown shall (in the case of lands sold by auction or held or occupied by any person under lease or licence giving such person the right to acquire the freehold thereof) be divided into as many different amounts as those into which the sum payable (but for such Order in Council) in respect of such lands by any person acquiring the freehold thereof would be divided, and each such amount into which such additional sum is divided shall bear the same proportion to the total additional sum as the corresponding amount of the sum payable (but for such Order in Council) bears to the whole of such sum, and shall be payable at the same time as such corresponding amount.

(2) All additional sums paid under this or the last preceding section as purchase money rent occupation or licence-fee by any purchaser selector lessee licensee or other person in respect of lands of the Crown so declared to be enhanced by any such particular work or works shall if such work or works is or are constructed by or on behalf of the Government of Victoria or any Department thereof go to and form a separate fund in the Treasury to be called respectively by the name of the particular work or works by which the value of such land is declared to be enhanced, and the moneys standing to the credit of each such fund shall be applied in and towards defraying the cost of such work or works, and the same is hereby appropriated for the purpose accordingly.

**343 Mode of application where Crown land benefited by more than one work**

No. 3709  
s. 298.

Where the value of any such lands of the Crown has been so declared by Order in Council to be enhanced by more than one such work as hereinbefore mentioned then the additional sum payable by virtue of any such Order in Council in respect of such land shall be applied partly in payment of the cost of each of such works, and such additional sum payable as aforesaid in respect of any lands of the Crown shall be apportioned between such works in the proportion which the cost of each such work bears to the total cost of the works by which such value is enhanced.

**344 Additional sums paid as purchase money or rent to be returned where works not constructed within ten years**

No. 3709  
s. 299.

Where under the last three preceding sections the Governor has declared by Order in Council that the value of any lands of the Crown has been

enhanced by the proximity thereto of the course of any particular authorized line of railway or of any line of railway the construction of which has been declared by resolution of the Legislative Assembly to be expedient or by such lands being within any waterworks district or any irrigation or water supply district within which it is at the date of such Order in Council proposed to construct waterworks to benefit such particular lands then (if within ten years from the date of such order such authorized railway or such railway the construction of which has been declared by resolution of the Legislative Assembly to be expedient or such proposed waterworks is or are not constructed) all additional sums paid under the provisions of the last three preceding sections in excess of the whole purchase money rent occupation or licence-fees paid or to be paid by any purchaser selector lessee licensee or other person in respect of such lands of the Crown shall be repaid to such purchaser selector lessee licensee or other person or any person to whom he has conveyed transferred or assigned his interest in such lands or any person to whom such interest has come by operation of law.

No. 3709  
s. 300.

**345 Mode of alienation of Crown lands under previous Acts not to be affected**

Save as in the last four preceding sections expressly provided nothing therein contained shall alter or affect any Act relating to the mode of alienating or otherwise disposing of lands of the Crown, and nothing therein shall apply to or affect any lease licence or contract whatsoever made before the twenty-ninth day of December One thousand eight hundred and ninety-one.

**346 Power to include certain pieces of land in leases  
licences or Crown grants of adjoining land**

No. 4873 s. 14.  
S. 346  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(c)), 8060  
s. 3(c)(i).

(1) Where any Crown land is available for disposal under this Act and cannot conveniently be disposed of under any of the provisions of this Act apart from this section, then, notwithstanding any restrictions or limitations imposed by this Act, if such land adjoins any land (hereinafter called the *adjoining land*) held by any person under any lease or licence under this Act and the Minister is of opinion that the most convenient and equitable method of disposing of such first-mentioned land would be to add it to the adjoining land, such first-mentioned land (hereinafter called "the added land") may if the Governor in Council so determines be so added accordingly, after valuation by an appraiser appointed by the Minister, either—

- (a) by the grant to such person, in substitution for his existing lease or licence, of a new lease or licence (as the case requires) comprising the added land as well as the adjoining land and subject to such altered terms and conditions with respect to rent fee or royalty and otherwise as the Governor in Council having regard to such valuation thinks fit; or
- (b) (in any case where a Crown grant is about to be made to such person in respect of the adjoining land) by the inclusion of the added land in such Crown grant upon such terms as the Governor in Council having regard to such valuation thinks fit:

S. 346(1)(b)  
amended by  
No. 6505 s. 2.

Provided that the area of land comprised in any addition or additions made pursuant to this section shall not exceed Ten per centum of the original

area of the adjoining land to which such addition or additions is or are made.

S. 346(2)  
inserted by  
No. 8060  
s. 3(c)(ii).

- (2) Upon the grant of a new lease under subsection (1) the lease then existing shall be cancelled.

No. 3709  
s. 302.  
S. 347  
amended by  
No. 8461  
s. 57(a)(b).

**347 Value where land contains any fractional part of an hectare**

Notwithstanding anything contained in this Act where any land which is classified at a value not lower than \$10 per hectare contains any fractional part of an hectare the value to be charged and paid for such fractional part of an hectare shall be computed and paid with respect to the actual area and value of such fractional part.

No. 3709  
s. 303.  
S. 348  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(jc)), 8353  
s. 19, 9345  
s. 56(1), 9921  
s. 255, 44/1989  
s. 41(Sch. 2  
item 22.3),  
104/1997  
s. 49(2)(a)(b),  
30/2000  
s. 36(2)(a)(b),  
6/2010  
s. 203(1)  
(Sch. 6  
item 27.4) (as  
amended by  
No. 45/2010  
s. 22).

**348 Crown grants of roads used for railways**

Notwithstanding anything contained in any Act where Victorian Rail Track within the meaning of section 3 of the **Transport Integration Act 2010** pursuant to the power contained in any Act takes or acquires any road or part of a road for or in connexion with the building construction or formation of any line of railway station platform building yard siding or any work authorized to be constructed Victorian Rail Track shall be entitled upon application to the Governor in Council to the issue of a Crown grant to it for the fee-simple absolute of any lands so taken or acquired.

Nos 3709  
s. 304, 4181  
s. 10, 6003  
s. 2.

**349 Power to close certain unused roads on Crown lands**

- (1) Notwithstanding anything contained in any Act where any road the absolute property in the land of which is vested in the Crown is as to the whole or any portion of the length or width thereof unused the Governor in Council with the

concurrence in writing of the council of any municipality in whose municipal district the same is wholly or partly situate and of the owners (if any) of any land adjoining the said road or portion thereof (as the case may be) may by order published in the Government Gazette close the whole or any portion of the length or width of such road situate in that municipal district:

\* \* \* \* \*

S. 349(1)  
Proviso  
amended by  
No. 8461 s. 58,  
repealed by  
No. 36/1986  
s. 3(a)(i).

Provided that where the Secretary by a notification served personally or by post on any such owner at his last known place of residence or business requests such owner to give his concurrence as aforesaid or (in the event of his refusal to concur) to give reasons for such refusal and such owner—

S. 349(1)  
Proviso  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 135),  
36/1986  
s. 3(a)(ii),  
41/1987  
s. 103(Sch. 4  
item 39.51),  
76/1998  
s. 11(k).

- (a) fails to reply to such notification within thirty days after such service; or
- (b) in his reply, refuses to concur but fails to give reasons for his refusal or gives reasons therefor which, in the opinion of the Minister after considering the report of any persons appointed by the Minister to inquire into the matter, are frivolous—

the Governor in Council may exercise the powers conferred by this section without the concurrence of such owner.

- (2) Upon the publication of such Order in Council the land theretofore forming the road or portion thereof (as the case may be) referred to in such order shall cease to form such road or portion thereof, and as regards the said land all rights

easements or privileges existing or claimed either in the public or by any body or person whatsoever or whomsoever as incident to any past dedication or supposed dedication thereof or by any past user thereof or by any fiction of law shall cease and determine, and the said land shall be deemed to be and may be dealt with as unalienated land of the Crown.

No. 3709  
s. 305.

**350 Power to set apart certain portions of roads for tree planting**

S. 350(1)  
amended by  
No. 8461  
s. 59(a).

(1) Notwithstanding anything contained in any Act where in any municipal district any road the absolute property in the land of which is vested in the Crown is not less than 60 metres in width the Governor in Council may by proclamation published in the Government Gazette declare as hereinafter provided that along the whole or any portion of the length of any such road any part of such road shall be set apart for the plantation of trees.

S. 350(2)(a)  
amended by  
No. 8461  
s. 59(b).

- (2) No such proclamation shall be made unless—
- (a) a width of not less than 20 metres is not affected by such proclamation;
  - (b) the council of the municipality has in writing under the common seal of the municipality consented to such proclamation;
  - (c) the owners of all lands adjoining such road or portion thereof have consented in writing under their hands and seals to such proclamation; and
  - (d) the rights of ingress egress and regress to and from such adjoining land and the remainder of the road not affected by such proclamation are reserved.

- (3) Upon the publication in the Government Gazette of such proclamation any land thereby declared to be set apart for the plantation of trees shall cease to be a road and shall be taken to be set apart for the plantation of trees and (except as regards the reserved rights of ingress egress and regress as aforesaid) all rights easements and privileges existing or claimed either in the public or by any body or person whatsoever or whomsoever as incident to any past dedication or supposed dedication thereof or by any past user thereof or by any fiction of law shall cease and determine, and such land shall for the purposes of and subject to the provisions of this section be and be deemed to be unalienated land of the Crown.
- (4) The Governor in Council may by any order subsequent to such proclamation place such land under the administration control and management of the Secretary under the **Forests Act 1958** or under the care protection and management of the council of the municipality in whose district such land is situate.
- (5) The Governor in Council may from time to time by a notice published in the Government Gazette annul and rescind or vary any proclamation or order made under this section.
- (6) Nothing in this section shall be taken to limit or affect any powers conferred under this or any other Act with regard to the planting of trees in streets or roads or with regard to tree reserves in streets or roads.

S. 350(4)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 136),  
51/2016 s. 25.

No. 3709  
s. 306.

S. 351  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(kc)),  
7332  
s. 2(Sch. 1  
item 48).

### **351 Power of Minister to postpone payment of rent or instalments**

- (1) Where the Minister is of opinion that an approved applicant for a selection purchase lease or for a conditional purchase lease of land is for some special cause not likely to be able to pay the rent or the instalments under the lease for any period not exceeding in the case of land other than land in the Mallee country five years, or in the case of land in the Mallee country three years, he may in his discretion, at the request of such applicant (if he has lodged with his application the amount required by the Minister) enter into an agreement with him that no payment of any rent or instalments shall be made for a period not exceeding five years or three years (as the case may be) on condition that in addition to the fencing and improvements required under the lease he shall during such period effect to the satisfaction of the Minister such further improvements as may be specified in the agreement, which may provide also for part of the proceeds derived from the land or the use thereof to be paid to the Crown and to be applied if the Minister thinks fit towards the liquidation of the rent or the instalments which become due under the lease.
- (2) On any breach of such agreement the Minister may take any proceedings for the recovery of all unpaid rents or instalments in the same manner and to the same extent as if such agreement had not been made and entered into without any prejudice to the right of the Minister to enforce any obligation arising under the agreement.
- (3) If at any time after any such agreement is entered into it is proved to the satisfaction of the Minister that in connexion with such request or any proceedings thereon the applicant wilfully made

any false statement or representation, the Minister may without further or other authority than this section cancel such agreement and thereupon all rent or instalments shall become due and payable in the same way and to the like extent as if the agreement had not been entered into.

**352 Power to add interest to price of land**

Nos 3709  
s. 307, 4597  
s. 2(2).

- (1) Notwithstanding anything contained in this Act, after the value of any land selected or taken up under a lease containing conditions for payment of purchase money by means of instalments extending over any term has been determined the Minister may direct that a condition be inserted in the lease providing that until the final instalment of purchase money is paid to the Crown, interest at such rate as is determined from time to time by the Minister shall be charged to and paid by the lessee on such portion of the rent or purchase money as for the time being remains unpaid.

S. 352(1)  
amended by  
No. 9805  
s. 5(a)–(d).

- (2) This section shall only apply to land classified at a higher value than \$15 per hectare.

S. 352(2)  
amended by  
No. 8461 s. 60.

\* \* \* \* \*

S. 352(3)  
repealed by  
No. 9798  
s. 2(1).

**353 Exemption of portion of certain half-yearly payments of rent if portion of mountainous land under clean grass or cultivation**

No. 3709  
s. 308.

- (1) If on or before the due date of any half-yearly payment of rent a lessee or selection purchase lessee of any Crown land (except land acquired and taken by or for the Crown by purchase or otherwise) situate in the parishes set forth in the Fourteenth Schedule to this Act (which land is hereinafter referred to as "mountainous land")

S. 353(1)  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(c)).

makes application to the Minister for the exemption provided for in this section and proves to the satisfaction of the Minister that he has reduced an area of not less than one-tenth of such land to clean grass or cultivation he may be granted an exemption from the payment of such a proportionate part as the Minister thinks fit of the next ensuing two half-yearly payments of rent in respect of the portion of the land which in the opinion of the Minister has been reduced to clean grass or cultivation.

**S. 353(2)**  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(lc)).

- (2) Upon any renewed application from time to time by the said lessee or selection purchase lessee in respect of the said portion or any additional portion on or before the due date of any half-yearly payment of rent he may, on satisfying the Minister that the said first-mentioned portion continues to be properly grassed or cultivated and that the additional portion (if any) of the area of such land has been reduced to clean grass or cultivation, be granted a proportionate exemption from the payment of the next ensuing two half-yearly payments of rent in respect of the said first-mentioned portion and additional portion (if any) reduced in the opinion of the Minister to clean grass or cultivation.

**S. 353(3)**  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(lc)).

- (3) If any such lessee or selection purchase lessee of mountainous land proves to the satisfaction of the Minister—
- (a) that four-fifths of the area of his land has been reduced to and for a continuous period of ten years kept in clean grass or under cultivation or both in sequence;
  - (b) that all fees and all half-yearly payments of rent not exempted by this section have been paid; and

(c) that all other conditions of his lease or selection purchase lease have been complied with—

he shall be entitled to apply for and obtain from the Governor in Council a Crown grant of such land.

(4) No exemption from any such payments shall be granted under this section in respect of any portion which was under grass or cultivation before the first day of March One thousand nine hundred and nineteen except in cases where the benefits to such portion from being under grass or cultivation has substantially disappeared or no longer exists.

(5) References in this section to a lessee or selection purchase lessee shall be deemed and taken to include references (where the case so requires) to his executors or administrators or to his trustee assignee or receiver in bankruptcy or (if the lessee or selection purchase lessee is a represented person) to the guardian or administrator appointed in a guardianship order or an administration order made under the **Guardianship and Administration Act 2019**.

S. 353(5)  
amended by  
Nos 55/1987  
s. 57(3)(Sch. 5  
item 34),  
52/1998  
s. 311(Sch. 1  
item 46),  
13/2019  
s. 221(Sch. 1  
item 25.3).

(6) The Governor in Council may from time to time by proclamation published in the Government Gazette amend the Fourteenth Schedule to this Act by adding thereto—

(a) the name of any other parish in any county mentioned therein; or

(b) additional paragraphs containing the names of any parishes in any other counties—

and the said Fourteenth Schedule so amended shall have the same force and effect as if such amendment had been enacted in the said Act.

(7) A copy of every proclamation made under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

No. 3709  
s. 309.

**354 Lease forfeited for non-payment of rent not to be revived before revocation of forfeiture**

No licence or lease under this Act or any repealed Act relating to Crown lands which has been forfeited for non-payment of one or more half-yearly instalments of licence-fees or rent or purchase money shall under any circumstances be revived unless and until the forfeiture has been revoked by the Governor in Council.

No. 3709  
s. 310.  
S. 355  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(mc)),  
9921 s. 255,  
10087  
s. 3(1)(Sch. 1  
item 137),  
41/1987  
s. 103(Sch. 4  
item 39.52),  
44/1989  
s. 41(Sch. 2  
item 22.4),  
104/1997  
s. 49(3),  
76/1998  
s. 11(1)(i)(ii),  
30/2000  
s. 36(3),  
6/2010  
s. 203(1)  
(Sch. 6  
item 27.5) (as  
amended by  
No. 45/2010  
s. 22).

**355 Transfers of leases of Crown lands not to be registered unless all rents etc. have been paid**

Where any Crown lands are held under lease a transfer of the whole or any part thereof to any person (other than Her Majesty or Minister administering Part 7 of the **Financial Management Act 1994** or Victorian Rail Track within the meaning of section 3 of the **Transport Integration Act 2010** or any Public Department or any person on behalf of the same or the trustee assignee or receiver in bankruptcy or the executor or administrator of the lessee) shall not be registered under the **Transfer of Land Act 1958** unless and until the Secretary has certified by writing under seal that all rent or instalments or purchase money and all interest due to the Crown at the date of registration in respect of the land demised have been paid.

**356 Condition for suspension of payment of licence-fees rent etc.**

Every licence or perpetual lease of an agricultural or grazing allotment and every conditional purchase lease of land under this Act shall contain a condition that when the licensee or perpetual lessee of an agricultural allotment or a grazing allotment or the conditional purchase lessee of land not acquired or taken for the purposes of closer settlement is unable at any time to pay his licence-fees rents or instalments (as the case may be) as they become due the Minister may if the licensee or perpetual lessee or conditional purchase lessee has complied with the conditions of his licence or perpetual lease or conditional purchase lease suspend the payment of such licence-fees rents or instalments to such extent as will not exceed Sixty per centum of the value of the improvements effected on the land over and above any encumbrance thereon and allow him to pay the arrears of licence-fees rents or instalments and interest thereon in one amount or spread over a definite time and may extend the conditional purchase lease for a corresponding time.

\* \* \* \* \*

No. 3709  
s. 311.

S. 356  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(nc)).

S. 357  
repealed by  
No. 41/1987  
s. 103(Sch. 4  
item 39.53).

**358 Extensions of selection purchase and conditional purchase leases to be registered in the Office of Titles**

(1) Where the Minister—

- (a) under the provisions of paragraph (i) of subsection (1) of section forty-nine or any corresponding previous enactment extends a residential lease of a selection purchase allotment;

No. 3709  
s. 313.

S. 358(1)  
amended by  
No. 7228  
s. 7(Sch. 4  
Pt 19(nc)).

- (b) under the provisions of subsection (1) of section fifty-one or any corresponding previous enactment extends a non-residential lease of a selection purchase allotment; or
- (c) under the provisions of section three hundred and fifty-six or any corresponding previous enactment extends a conditional purchase lease—

the Minister shall cause the fact of such extension having been made to be indorsed on the lessee's duplicate original lease in such form as is prescribed and the term of the lease shall subject to this section be extended as shown by such indorsement.

S. 358(2)  
amended by  
No. 18/1989  
s. 13(Sch. 2  
item 41(q)).

- (2) When any lessee's duplicate original lease has been so indorsed it shall be transmitted to the Registrar of Titles and the Registrar of Titles must make a recording of the indorsement on the relevant folio of the Register.
- (3) Subject to this section every lease so indorsed shall be read and construed as if the terms and conditions had actually been altered by the Governor in Council and had actually been inserted in the lease and covenanted and agreed to by the lessee subsequently to such alteration to the extent indicated and on the date mentioned in the indorsement on the lessee's duplicate original lease.

S. 358(4)  
repealed by  
No. 7548  
s. 8(2)(a).

\* \* \* \* \*

**359 Issue of a lease where applicant dies or becomes bankrupt before lease executed**

No. 3709  
s. 314.

In the event of the death or bankruptcy (whether before or after the commencement of this Act) of an applicant for a lease before the execution of the lease such lease may be granted in the name of such applicant and be executed by his executor or administrator or (as the case may be) by his trustee assignee or receiver in bankruptcy and shall devolve or pass in like manner as if the lease had been executed by the applicant and the estate of the applicant shall be answerable for the due performance of the covenants and conditions contained or implied in the lease as fully and effectually as if the applicant had executed the lease personally.

**360 Enforcement of forfeitures**

No. 3709  
s. 315.

Any forfeiture incurred under the provisions of this Act may be enforced on behalf of Her Majesty by action or proceeding without the necessity of any inquisition of office.

**361 Minister may waive covenant or condition as to residence**

No. 3709  
s. 316.

Where the lessee or licensee of any land is called up for naval or military or air service under any Commonwealth Act relating to defence compliance with the covenant or condition as to residence or occupation contained in the lease or licence of such lessee or licensee may at the discretion of the Minister be waived so far as regards the period of such service but no longer.

**362 Propagation of blue mallee**

No. 3709  
s. 317.

With respect to licences and leases of allotments of land mentioned in the "Schedule of Allotments" to the notice dated the fifth day of August One thousand nine hundred and eight published in the

Government Gazette of the twelfth day of August One thousand nine hundred and eight at page 4097 thereof under the heading "Lands Available for Application under section 54, Land Acts 1901–1904" the propagation on any such allotment of the best variety of mallee for oil production, namely blue mallee, by systematic cultivation shall notwithstanding anything in this Act or any corresponding previous enactment be deemed and taken to have been and to be for the purposes of this Act and any such enactment substantial and permanent improvements within the meaning of this Act and any such enactment on such allotment.

S. 362A  
inserted by  
No. 8652  
s. 5(1),  
substituted by  
No. 8763 s. 5.

**362A Certain conditions reservations etc. in a Crown grant may be declared to be no longer necessary**

- (1) Where any Crown grant under any Act contains a condition reservation exception power or other provision—
  - (a) to the effect that the whole or any part of the granted land may be resumed (with or without payment of any monetary consideration) for the purpose of works or undertakings; or
  - (b) enabling the Sovereign, his or her heirs or successors, the Minister, any statutory authority or any other person to do all or any of the following—
    - (i) enter any part of the granted land;
    - (ii) use any part of such land; or
    - (iii) carry out any works undertakings or maintenance on any part of such land—

S. 362A(1)(b)  
amended by  
No. 41/1987  
s. 103(Sch. 4  
item 39.54).

the Governor in Council may upon payment of the prescribed fee and of such monetary consideration (if any) as the Governor in Council thinks fit by Order declare that the condition reservation

exception power or provision is no longer necessary.

(1A) The Governor in Council may make a declaration under subsection (1) in respect of part only of the land contained in the Crown grant if separate folios of the Register have been created in respect of the land compromised in the grant.

S. 362A(1A)  
inserted by  
No. 9183 s. 9,  
amended by  
No. 18/1989  
s. 13(Sch. 2  
item 41(r)).

(2) On and from the date of any Order made pursuant to subsection (1) the relevant Crown grant shall operate and have effect—

S. 362A(2)  
substituted by  
No. 9183 s. 9.

(a) in the case of a declaration as to part only of the land contained in the Crown grant, as though the relevant condition, reservation, exception, power or provision was expressed to apply only to the remainder of the land contained in the Crown grant;

(b) in any other case as though the relevant condition, reservation, exception, power or provision were not contained therein.

### **362B Construction of certain Crown grants**

S. 362B  
inserted by  
No. 5/1993  
s. 4.

(1) In this section—

*designated provision of a Crown grant* means a provision of a Crown grant—

(a) which has the effect of—

(i) prohibiting (whether totally or partially or subject to conditions) the alienation (whether in fee simple or for a lesser estate or interest) of land in the grant; or

(ii) enabling the Crown or a responsible Minister of the Crown, to re-enter or resume land in the grant if there is an attempt to alienate it; and

- (b) which has the effect of excepting from a provision mentioned in paragraph (a)(i) or (ii) any of the following alienations of land—
- (i) an alienation authorised by some Act in force at the date of the grant or afterwards;
  - (ii) an alienation authorised by some law in force at the date of the grant or afterwards;
  - (iii) an alienation authorised by some law in force after the date of the grant;
  - (iv) an alienation authorised by some Act in force after the date of the grant;

*provision of a Crown grant* includes, but is not limited to, term, condition, reservation, restriction, exception, proviso, declaration or power.

- (2) This section applies to a Crown grant (whether issued before or after the commencement of this section) of land which is at the date of the grant, or afterwards becomes, temporarily or permanently reserved under an Act, being land in respect of which that reservation has not been revoked.
- (3) For the purposes of a designated provision of a Crown grant to which this section applies, an alienation of the land in the grant must be taken to be authorised by some Act or law only if the alienation is authorised expressly, and not merely by implication, by an Act relating to—

- (a) the particular land in the grant; or
  - (b) any class or description of Crown land or reserved land that includes the land in the grant; or
  - (c) Crown land or reserved land generally.
- (4) For the purposes of subsection (3)(b) and (c) an Act or law which authorises the alienation of land, without expressly referring to Crown land or reserved land, must not be taken to authorise the alienation of land in the grant.
- (5) This section has effect despite any Act or rule of law to the contrary, including any rule of the common law.

**362C Construction of licences**

A licence granted under this Act must be taken to be a licence for all purposes, irrespective of the period for which it is granted.

**S. 362C  
inserted by  
No. 96/1994  
s. 34.**

## Part X—Vacant and unclaimed lands

No. 3709  
s. 318.

### 363 Definitions

In this Part unless inconsistent with the context or subject-matter—

*Court* means the Supreme Court of the State of Victoria;

*grantee* includes the person named as the grantee in the undelivered Crown grant and also the person named as the grantee in the unregistered Crown grant sealed subsequent to the commencement of the Real Property Act of 1862 No. 140;

*Minister* means the responsible Minister of the Crown for the time being administering Part I of this Act;

*Registrar* means the Registrar of Titles;

*vacant land* means land unenclosed and unoccupied.

No. 3709  
s. 319.

### 364 Sale of vacant unclaimed land in certain undelivered and unregistered Crown grants

- (1) Where a Crown grant under the general law has been sealed previously to the commencement of the Real Property Act of 1862 but not delivered to the grantee, or has been sealed under that Act or under the Transfer of Land Statute of 1866 No. 301 previously to the first day of January One thousand eight hundred and seventy but has not been registered under the said Act or Statute and such grant has ever since such sealing remained in the possession and under the control of the Crown by reason of the moneys prescribed by law to be paid in the Crown upon such delivery or registration not having been paid it shall be lawful for the Governor in Council in the name and on behalf of Her Majesty, and notwithstanding the

restriction in section twelve at any time or times to sell in fee-simple by public auction the whole or any part or parts of any vacant land comprised in any such grant (but not with land in any other grant), and either at one or at several times and subject to such minimum or upset price terms conditions exceptions reservations and otherwise as the Governor in Council may direct, with power to rescind or annul any such sale and resell in manner aforesaid; and may direct the Minister to effect such sale.

- (2) Upon such direction the Minister shall cause notice of such intended sale to be published in the Government Gazette and in two newspapers published in the city of Melbourne in three successive weeks with an interval of not less than five days between each publication; also in at least one issue of a newspaper published and circulating in the neighbourhood of the land; also to be sent through the post by registered letter addressed to the grantee at the address (if any) appearing on the grant; and also to be posted on the land the subject of the sale and in a conspicuous place in the Office of Titles. Such notice shall be so published and sent and posted within twelve months and before one month of the time thereby fixed for the sale, and shall be in the form or to the effect of the Fifteenth Schedule to this Act. The Minister may also at his discretion cause notice to be sent through the post by registered letter addressed to the owners and occupiers of land abutting on the land to be sold, or to any other person.
- (3) If after notices have been duly published sent and posted in the manner prescribed any land comprised therein after being duly offered for sale remains unsold it shall not be necessary on any subsequent attempted sale to publish send or post

notices in the manner prescribed by the last preceding subsection, but it will be sufficient to advertise such sale in the manner adopted in an ordinary sale of Crown land.

No. 3709  
s. 320.

### 365 Application of purchase money

The purchase money arising from any such sale shall be applied as follows—

S. 365(b)  
amended by  
No. 81/1989  
s. 3(Sch.  
item 25.15).

- (a) firstly in payment of all costs charges and expenses of or incident to the sale and to any previously attempted sale of the same land; and
- (b) secondly in payment of all rates taxes and other imposts and charges with or for which the grantee his heirs executors administrators or assigns or the land itself would have been legally chargeable and liable to the Crown or to any municipality or Authority under the **Water Act 1989** or any corresponding previous enactment at any time or times throughout the interval between the sealing of the undelivered or unregistered grant of such land and its sale in respect of such land had the grant thereof been duly delivered or registered at the date of sealing. The surplus (if any) of the purchase moneys shall be paid with the privity of the Minister into the Trust Funds to an account to be opened in the names of the Minister and original grantee in the manner of the original grant (specifying the same) in trust to attend the orders of the Court.

**366 Power for Court to make orders on application as to the surplus moneys**

The Court may from time to time make such orders as to it seems fit in respect of the moneys so paid into and for the time being remaining deposited in such account as aforesaid on application to the Court by the grantee his executors or administrators or such person or persons as to the Court appear competent and necessary in that behalf, and may direct service of the application upon such person or persons and in such manner as the Court sees fit and every order made upon the application shall have the same authority and effect and be subject to rehearing and appeal in the same manner as if the same had been made in a suit regularly instituted in the Court: Provided that the application must be made within two years from the date of the payment of the surplus moneys into the said account.

No. 3709  
s. 321.  
S. 366  
amended by  
Nos 110/1986  
s. 140(2),  
79/1993  
s. 11(b),  
11/2002  
s. 3(Sch. 1  
item 39).

**367 Subject to order of court surplus moneys after lapse of three years to become property of Crown**

Upon the expiration of three years from the payment of the surplus moneys into the said account such surplus shall if no such application has been made within the two years prescribed by the last preceding section or subject to any order of the Court made in any application so made become and be the absolute property of the Crown, and shall upon order of the Court made in that behalf on the application of the Minister be paid into the Treasury.

No. 3709  
s. 322.  
S. 367  
amended by  
No. 110/1986  
s. 140(2).

**368 Application to Registrar for delivery or registration of grant**

- (1) When a sale of land has been advertised under the provisions of this Part it shall be lawful for the person named therein as grantee his executor or administrator at any time up to within fourteen

No. 3709  
s. 323.

days of the date fixed by the advertisement for the sale to apply<sup>9</sup> in writing signed by the applicant to the Registrar for delivery or registration (as the case may be) of such grant; and such application shall be accompanied by evidence by statutory declaration that he is such grantee executor or administrator (as the case may be) and verifying all the allegations of fact stated in the application.

- (2) The Registrar shall investigate the merits of the application, and for that purpose may call for such further evidence and direct such notices to be published or served as he deems necessary, and may after such investigation in his discretion grant such application or refuse the same.
- (3) The Minister may if necessary for the purposes of such investigation postpone such sale; or if the application is granted withdraw the lands from sale.

No. 3709  
s. 324.

### **369 Power of applicant to summon Registrar to show cause if dissatisfied**

S. 369(1)  
amended by  
No. 33/2018  
s. 93.

- (1) If such applicant is dissatisfied with the refusal of the Registrar it shall be lawful for him to require the Registrar to set forth in writing the grounds of his refusal and he may if he thinks fit at his own cost summon the Registrar to appear before the Court to substantiate and uphold the grounds of such refusal as aforesaid, such summons to be issued by a judge of the Court, and to be served upon the Registrar six clear days at least before the day appointed for hearing the complaint of such applicant.

S. 369(2)  
amended by  
No. 35/1996  
s. 453(Sch. 1  
item 44).

- (2) Upon such hearing the Registrar or his legal practitioner shall have the right of reply, and the Court may if any question of fact be involved direct an issue to be tried to decide such fact, and the Court shall make such order in the premises as the circumstances of the case require and the

Registrar shall obey such order and the Court may make such order as to the costs and expenses of and attending upon such summons or proceedings as it deems just, and all costs and expenses to be paid by the Registrar under such order shall be paid out of the Assurance Fund existing in connexion with the **Transfer of Land Act 1958**.

**370 If application granted certain payments to be made by applicant before delivery or registration**

No. 3709  
s. 325.

- (1) If the application for delivery or registration is granted the applicant shall before such delivery or registration pay to the Minister the costs charges and expenses of and incident to the advertising or postponement of or withdrawal from sale together with the amount (if any) which by section three hundred and sixty-five would have been chargeable upon the purchase money had the land been sold under this Part; and he shall also pay to the Minister the fees and charges chargeable on delivery or registration, and all moneys hereby made chargeable upon such delivery or registration shall until paid be a charge upon the land in the grant, and if not paid within three months of the date of the granting of the application the land may at any time thereafter (such charge remaining unsatisfied) be sold by the Crown in manner prescribed by subsection (3) of section three hundred and sixty-four as to the sale of land remaining unsold after an attempted sale; and the proceeds shall be applied and dealt with as nearly as may be in manner prescribed by section three hundred and sixty-five.

S. 370(1)  
amended by  
No. 18/1994  
s. 66(Sch. 2  
item 10.1).

- (2) The receipt of the Minister for the moneys so made payable to them respectively must be produced to the Registrar before he makes such delivery or registration.

S. 370(2)  
amended by  
No. 18/1994  
s. 66(Sch. 2  
item 10.2).

No. 3709  
s. 326.

**371 Minister to send purchaser's Crown grant to Registrar with contract of sale**

S. 371(1)  
amended by  
No. 49/2001  
s. 10.

(1) Upon a sale under this Part whether of the whole or of any part of the land comprised in the grant, and payment of all purchase money and fulfilment of the conditions of sale on the part of the purchaser the Minister shall direct a Crown grant of the fee-simple of the land purchased dated the date of purchase to be prepared in the name of the purchaser and sent together with the contract to the Registrar for registration.

S. 371(2)  
amended by  
Nos 18/1994  
s. 66(Sch. 2  
item 10.3),  
49/2001 s. 10.

(2) The Registrar shall after receipt of the said grant and contract upon production of the Minister's receipt for the registration fee and contribution to the Assurance Fund register and deal with the grant in manner prescribed by the **Transfer of Land Act 1958** for the registration of Crown grants, and shall at the same time annex the contract to the original undelivered or unregistered grants and enrolments thereof (if any) and shall indorse and sign a memorandum on such last-mentioned grants, dated the date of such indorsement reciting the contract and sale under this Part and that the indorsed grant is cancelled as to the land comprised in the contract, and the grant to the purchaser when registered shall have the same validity as a Crown grant of the same date issued for Crown land for the first time alienated from the Crown.

No. 3709  
s. 327.

**372 No claim to lie against the Crown or Minister**

No claim for compensation or damage shall lie against the Crown or Minister, or any person acting under his direction in respect of the minimum or upset price fixed or the price accepted, or the terms covenants conditions exceptions and reservations on which the land was sold, or for any breach of covenant or other

default on the part of the purchaser or for anything done or omitted to be done in connexion with the sale or by reason of the notice of sale not reaching the grantee, and no person shall be bound to see or inquire whether the land offered for sale is land authorized to be sold under this Part, or whether such notice as aforesaid has been published or sent or posted in the prescribed way, or otherwise as to the validity or regularity of such sale, or as to the disposal of the purchase moneys, or be affected by any notice in respect of any such matters.

\* \* \* \* \*

S. 373  
amended by  
No. 6886 s. 3,  
repealed by  
No. 7548  
s. 8(2)(a).

### 374 Fees

It shall be lawful for the Registrar to demand the fees specified in the Sixteenth Schedule to this Act, or such other fees as shall hereafter from time to time be appointed by the Governor in Council in lieu thereof or in addition thereto.

\* \* \* \* \*

No. 3709  
s. 329.

Pt 11  
(Heading and  
ss 375–384)  
amended by  
Nos 6886 s. 3,  
7228  
s. 7(Sch. 4  
Pt 19(oc)(pc)),  
7548  
s. 8(2)(a)(c)(e),  
80/1989 s. 327,  
repealed by  
No. 96/1994  
s. 26.

## Part XII—Bed and banks of certain watercourses

Pt 12  
(Heading and  
ss 385–398)  
amended by  
Nos 6517  
s. 11, 6716  
s. 2(Sch. 1),  
6759 s. 2, 6867  
s. 2(Sch. 1),  
7548 s. 8(2)(c),  
9019  
s. 2(1)(Sch.  
item 102),  
9212 s. 2(2),  
repealed by  
No. 9380  
s. 3(1)(b),  
new Pt 12  
(Heading and  
ss 384–386)  
inserted by  
No. 80/1989  
s. 327.

New s. 384  
inserted by  
No. 80/1989  
s. 327.

### 384 Definitions

(1) In this Part—

***Authority*** has the same meaning as in the **Water Act 1989**;

***bed and banks***, in relation to a watercourse—

- (a) includes the land over which the water in the watercourse normally flows and the land that is normally covered by that water;
- (b) does not include land abutting on or adjacent to the bed and banks that is from time to time temporarily covered by floodwaters from the watercourse;

***metropolis*** means the waterway management district of Melbourne Water Corporation under the **Water Act 1989**;

S. 384(1)  
def. of  
***metropolis***  
substituted by  
No. 85/2006  
s. 173(Sch. 1  
item 2.3).

*port of Melbourne operator* has the same meaning as in the **Port Management Act 1995**;

S. 384(1)  
def. of *port of Melbourne operator*  
inserted by  
No. 10/2016  
s. 172.

*watercourse* means any river, creek, stream, watercourse, lake, lagoon, swamp or marsh.

- (2) The reference in the definition of *watercourse* in subsection (1) to lake, lagoon, swamp or marsh is a reference to—
- (a) a natural collection of water into or through or out of which a current that forms the whole or part of the flow of a river, creek, stream or watercourse passes continuously or intermittently; or
  - (b) a collection of water (other than water collected and contained in a dam or tank on private land or a natural depression on private land) that the Governor in Council, by Order published in the Government Gazette, declares to be a lake, lagoon, swamp or marsh for the purposes of this Part.

**385 Crown property in bed and banks of certain watercourses**

New s. 385  
inserted by  
No. 80/1989  
s. 327.

- (1) If—
- (a) land is bounded in whole or in part by a watercourse; and
  - (b) the land was alienated by the Crown before, or is so alienated on or after, the commencement of section 327 of the **Water Act 1989**—

the bed and banks of the watercourse remain, and must be taken always to have remained, the property of the Crown despite the alienation of the

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land and despite the fact that the same person owned or owns, or holds or obtains a consolidated certificate of title for, the land adjacent to both banks.

(2) This section does not affect any right of—

S. 385(2)(a)  
repealed by  
No. 85/2006  
s. 173(Sch. 1  
item 2.4).

\*            \*            \*            \*            \*

S. 385(2)(b)  
repealed by  
No. 63/1997  
s. 10(4)(Sch.  
item 2).

\*            \*            \*            \*            \*

S. 385(2)(c)  
repealed by  
No. 30/2000  
s. 36(4).

\*            \*            \*            \*            \*

S. 385(2)(d)  
amended by  
No. 82/1995  
s. 205.

(d) the Council of the City of Melbourne; or

S. 385(2)(e)  
inserted by  
No. 82/1995  
s. 205,  
amended by  
Nos 23/2003  
s. 27, 10/2016  
s. 179(Sch. 1  
item 3),  
19/2022  
s. 92(a).

(e) Ports Victoria within the meaning of section  
3 of the **Transport Integration Act 2010**; or

\* \* \* \* \*

S. 385(2)(f)  
inserted by  
No. 82/1995  
s. 205,  
substituted by  
No. 85/2003  
s. 33,  
amended by  
No. 10/2016  
s. 173(a),  
repealed by  
No. 19/2022  
s. 92(b).

(g) the port of Melbourne operator;

S. 385(2)(g)  
inserted by  
No. 10/2016  
s. 173(b).

in the bed and banks and soil of the River Yarra  
and of all other public rivers, creeks and  
watercourses within the metropolis.

- (3) This section does not affect any right of any  
person in the bed and banks of a watercourse that  
does not form the boundary or part of the  
boundary of land that was alienated by the Crown  
before, or is so alienated on or after, the  
commencement of section 327 of the **Water  
Act 1989**.

**386 Access etc. to bed and banks of certain watercourses**

New s. 386  
inserted by  
No. 80/1989  
s. 327.

- (1) The owner or occupier for the time being of land  
adjacent to a watercourse the bed and banks of  
which have remained the property of the Crown  
by virtue of section 385 or any corresponding  
previous enactment has the same right of access to  
(including access for members of the household,  
or for the stock, of the owner or occupier), and the  
same right to use for grazing purposes, the part of  
the bed and banks adjoining the owner's or  
occupier's land as the owner or occupier would  
have had if the bed and banks had not remained  
the property of the Crown.

- (2) An owner or occupier referred to in subsection (1) has the same right to seek and obtain a remedy for trespass against a person (other than the Crown or an Authority or a person acting under the sanction of the Crown or an Authority) trespassing on the part of the bed and banks adjoining the owner's or occupier's land as the owner or occupier would have had if the bed and banks had not remained the property of the Crown and if the trespasser were a trespasser on land in the owner's or occupier's possession.
- (3) This section—
- (a) applies to land occupied by a person, whether or not it is Crown land; and
  - (b) subject to subsection (1), does not restrict the Crown's right to seek and obtain a remedy for trespass against a person trespassing on the part of the bed and banks referred to in that subsection; and
  - (c) does not apply if the part of the bed and banks referred to in subsection (1) has been appropriated by or under the sanction of the Crown for any of the purposes of the **Water Act 1989** or any corresponding previous enactment; and
  - (d) has effect despite anything to the contrary in this Act.

Ss 387–398  
repealed by  
No. 9380  
s. 3(1)(b).

\* \* \* \* \*

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## Part XIII—Unused roads and water frontages

Pt 13  
(Heading and  
ss 399–412)  
inserted by  
No. 6794 s. 3.

### 399 Definitions

In this part unless inconsistent with the context or  
subject-matter—

S. 399  
inserted by  
No. 6794 s. 3,  
amended by  
No. 8181  
s. 2(1)(Sch.  
item 98).

*council* means council of a municipality  
constituted under the **Local Government  
Act 1958**;

*occupier* in relation to land which is apparently  
not occupied by a tenant means owner;

*private land* means land which has been or is in  
course of being alienated from the Crown in  
fee simple or is held under a lease or a  
licence under Part I of this Act or as a  
residence area under Division 11 of that Part.

\* \* \* \* \*

S. 399 def. of  
*road*  
substituted by  
No. 10011  
s. 17,  
amended by  
No. 10087  
s. 3(1)(Sch. 1  
item 138),  
repealed by  
No. 96/1994  
s. 27.

\* \* \* \* \*

S. 399 def. of  
*unused road*  
substituted by  
No. 10011  
s. 17,  
repealed by  
No. 96/1994  
s. 27.

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S. 399 def. of  
*water frontage*  
amended by  
No. 9212  
s. 2(2),  
substituted by  
No. 10011  
s. 17,  
repealed by  
No. 96/1994  
s. 27.

\* \* \* \* \*

S. 400  
inserted by  
No. 6794 s. 3.

**400 Power to municipal councils to specify roads as unused**

S. 400(1)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 139),  
41/1987  
s. 103(Sch. 4  
item 39.55),  
13/1990  
s. 41(h)(i),  
76/1998  
s. 11(m).

(1) A municipal council may give notice to the Secretary that any road or part of a road which is within the municipal district of that municipal council and which it considers is not required for public traffic is an unused road and upon the giving of any such notice any road or part of a road specified therein shall be an unused road.

(2) Every such notice shall be in the prescribed form and shall contain such particulars as may be prescribed.

S. 401  
inserted by  
No. 6794 s. 3,  
amended by  
Nos 10011  
s. 18(a)-(c),  
41/1987  
s. 103(Sch. 4  
item 39.56),  
13/1990  
s. 41(j),  
repealed by  
No. 96/1994  
s. 28.

\* \* \* \* \*

**401A Right of entry to licensed water frontages for recreational purposes**

Subject to regulations made under this Act, any person may enter and remain on a licensed water frontage for recreational purposes.

**Note**

Licensed water frontage land does not include certain Crown land, including leased Crown land, or freehold land.

S. 401A  
inserted by  
No. 10011  
s. 19,  
amended by  
No. 96/1994  
s. 33(k),  
substituted by  
No. 40/2020  
s. 49.

**402 Right to enter and use an unused road**

(1) Where the land on one side only of an unused road is fenced off from such road the occupier of any unfenced private land on the opposite side of such road shall obtain a licence under Division 8 of Part I or section 138 of this Act to enter and use the whole of such road to the extent to which his land abuts thereon. The occupier of such unfenced private land while he is the licensee of such unused road shall when any dividing fence between such road and any private land on the other side of the road is out of repair or becomes insufficient be liable for one-half the cost of repairing such fence as if he were an owner within the meaning of the **Fences Act 1968**.

(2) Where the land on both sides of an unused road is not fenced off from such road the occupier of any private land on either side of such road shall obtain a licence under Division 8 of Part I or section 138 of this Act to enter and use the half of such road on which his land abuts:

Provided that—

(a) if the occupier of the land on one side of the road consents in writing the occupier of the land on the opposite side may obtain a licence under Division 8 of Part I or section 138 of this Act to enter and use the

S. 402  
inserted by  
No. 6794 s. 3.

S. 402(1)  
amended by  
Nos 9019  
s. 2(1)(Sch.  
item 99),  
10011 s. 20(a),  
96/1994  
s. 33(l),  
30/2014  
s. 14(b).

S. 402(2)  
amended by  
Nos 10011  
s. 20(a),  
96/1994  
s. 33(l).

S. 402(2)  
Proviso  
amended by  
Nos 10011  
s. 20(a),  
96/1994  
s. 33(l).

whole of the road to the extent to which his land abuts thereon; or

- (b) if both occupiers agree in writing as to the parts of the road for which each of them shall obtain a licence under Division 8 of Part I or section 138 of this Act and those parts together comprise the whole of the road to the extent to which their lands abut thereon they may obtain licences accordingly but no fence shall be placed on the road except at right angles thereto.

No. 6299  
s. 906.  
S. 403  
inserted by  
No. 6794 s. 3,  
amended by  
Nos 10011  
s. 20(b)(c),  
96/1994  
s. 33(m).

#### **403 Duty to obtain licence to use water frontage**

Where private land abutting on a water frontage is not fenced off from the water frontage the occupier of that private land shall obtain a licence under Division 8 of Part I or section 138 of this Act to enter and use the whole of the water frontage to the extent to which his land abuts thereon.

No. 6299  
s. 908.  
S. 404  
inserted by  
No. 6794 s. 3.

#### **404 Liability to pay occupation fees after notice**

S. 404(1)  
amended by  
Nos 10011  
s. 21(a)–(c),  
10087  
s. 3(1)(Sch. 1  
item 139),  
41/1987  
s. 103(Sch. 4  
item 39.57),  
96/1994  
s. 33(n)(i)(ii),  
76/1998  
s. 11(m),  
74/2000  
s. 3(Sch. 1  
item 66.3).

- (1) Where by this Part a duty is imposed upon any person to obtain a licence under Division 8 of Part I or section 138 of this Act to enter and use an unused road or a water frontage, he shall after receiving from the Secretary written notice of his duty so to do and until he constructs a fence on the common boundary of his land and the unused road or water frontage as provided in this section pay an occupation fee for so much of the unused road or water frontage as is specified in the notice as from the date specified therein and such fee shall be due and payable whether he obtains a licence or not and may be recovered accordingly.

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|---|---|
| (2) Every person who refuses or neglects to obtain a licence to enter and use an unused road or a water frontage after receiving any such notice shall within six months from the date of such notice in lieu of obtaining or paying for a licence construct a fence on the common boundary of his land and the unused road or water frontage and shall keep the fence in good repair.  | S. 404(2)<br>amended by<br>Nos 7733<br>s. 36, 10011<br>s. 21(d),<br>40/2020 s. 50.  |
| (3) If any occupation fee is not duly paid or if (as the case may be) any fence is not constructed or kept in good repair as aforesaid the person in default shall be liable to a penalty of not more than \$2 for every day the occupation fee is unpaid or the fence is not constructed as aforesaid or is not kept in good repair.   | S. 404(3)<br>amended by<br>No. 96/1994<br>s. 33(n)(ii).   |
| (4) Where a person refuses or fails to pay a occupation fee within three months after receiving notice pursuant to subsection (1) an authorised officer or any person authorized in that behalf by the Secretary may demolish and remove any fencing erected across an unused road or water frontage and the costs and expenses of and incidental to any removal may be recovered from the person who refused or failed to pay the fee. | S. 404(4)<br>inserted by<br>No. 10011<br>s. 21(e),<br>amended by<br>Nos 41/1987<br>s. 103(Sch. 4<br>item 39.57),<br>79/1993<br>s. 11(c),<br>96/1994<br>s. 33(n)(iii),<br>76/1998<br>s. 11(m). |

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S. 405  
inserted by  
No. 6794 s. 3,  
amended by  
No. 9805  
s. 2(i),  
substituted by  
No. 10011  
s. 22,  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
items  
39.58–39.61),  
13/1990  
s. 41(k),  
52/1994  
s. 97(Sch. 3  
item 16.23),  
89/1994  
s. 38(d),  
repealed by  
No. 96/1994  
s. 28.

\* \* \* \* \*

No. 6299  
s. 910.  
S. 406  
inserted by  
No. 6794 s. 3.

#### 406 Effect of cancellation of a licence

S. 406(1)  
repealed by  
No. 96/1994  
s. 28.

\* \* \* \* \*

S. 406(2)  
amended by  
No. 96/1994  
s. 33(o).

(2) On the cancellation of a licence under Division 8 of Part I or section 138 of this Act for any reason whatever the owner or occupier of land abutting on the part of the road or water frontage which was subject to the licence—

S. 406(2)(a)  
amended by  
Nos 7733  
s. 36, 10087  
s. 3(1)(Sch. 1  
item 139),  
41/1987  
s. 103(Sch. 4  
item 39.62),  
76/1998  
s. 11(m),  
19/2018 s. 151,  
40/2020 s. 51.

(a) shall, if required by the land manager by notice in writing so to do, within six months after being so required construct at his own cost a fence on the common boundary of his land and the road or water frontage; and

(b) after he has constructed the fence shall keep it in good repair.

- (3) An owner or occupier who is so required to construct a fence and who fails to construct a fence accordingly or having constructed it fails to keep it in good repair shall be liable to a penalty of not more than \$2 for every day the fence is not constructed or is not in good repair.

**407 Re-opening of licensed closed road or water frontage**

Comp. No. 6299 s. 911.  
S. 407 inserted by No. 6794 s. 3.

- (1) If a municipal council considers that it is desirable in the public interest that a licence under Division 8 of Part I or section 138 of this Act in respect of any unused road in the municipal district of that municipal council should be varied or cancelled it shall so inform the Minister or any person authorized to grant licences and the Minister or that person, may, after three months' notice has been given to the licensee, vary or cancel the licence.

S. 407(1) substituted by No. 10011 s. 23(a), amended by Nos 13/1990 s. 41(l)(m), 96/1994 s. 33(p)(i)(ii), 40/2009 s. 32.

- (1A) If the Minister considers that it is desirable in the public interest that a licence under Division 8 of Part I or section 138 of this Act in respect of any water frontage should be cancelled he may after three months' notice has been given to the licensee cancel the licence.

S. 407(1A) inserted by No. 10011 s. 23(a), amended by No. 96/1994 s. 33(q).

- (1B) Where a licence has been cancelled under subsection (1) the land to which that licence related shall cease to be an unused road for the purposes of this Act.

S. 407(1B) inserted by No. 10011 s. 23(a), amended by No. 96/1994 s. 33(r).

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S. 407(2)  
amended by  
Nos 9019  
s. 2(1)(Sch.  
item 102),  
10011 s. 23(b),  
57/1989  
s. 3(Sch.  
item 109.12),  
96/1994  
s. 33(s).

- (2) Where a licence under Division 8 of Part I or section 138 of this Act for an unused road has been so cancelled and the licensee in accordance with subsection (1) of section four hundred and two of this Act—
- (a) has paid for one-half the cost of repairing the whole or any part of the dividing fence between the unused road and private land abutting on the road on the side opposite to the licensee's land; or
  - (b) has himself under an agreement with the occupier of such private land repaired or renewed such fence or any part thereof—

the licensee may in the Magistrates' Court recover from the occupier of that private land so much of the said one-half cost or of the cost of such repair or renewal as the court, taking into consideration the value then remaining of such repair or renewal, may consider just and reasonable.

Comp. ib.  
ss 553(1),  
558(2).  
S. 407(3)  
amended by  
Nos 10011  
s. 23(b),  
96/1994  
s. 33(s).

- (3) Where a licence under Division 8 of Part I or section 138 of this Act for an unused road has been cancelled under subsection (1) of this section the council of the municipality in whose municipal district the unused road is situated—
- (a) shall keep the unused road open for public use and free from obstruction; and
  - (b) may cause any building hedge ditch fence hole heap drain or obstruction which has been made on across or in the unused road to be taken down or filled up or removed or otherwise made good at the expense of any person by whom the same was made or to whom it belongs and may in default of payment of such expense recover the amount thereof in the Magistrates' Court.

S. 407(3)(b)  
amended by  
Nos 9019  
s. 2(1)(Sch.  
item 102),  
57/1989  
s. 3(Sch.  
item 109.13).

\* \* \* \* \*

S. 408  
inserted by  
No. 6794 s. 3,  
repealed by  
No. 10011  
s. 24.

**409 Penalty for damaging fence or leaving gate open**

No. 6299  
s. 916.

A person who wilfully damages or destroys any fence gate cattle pit ramp or other means of passage erected upon an unused road or water frontage shall be liable to a penalty of not more than 0.2 penalty unit for each such offence, and a person who opens and wilfully or negligently leaves open any such gate shall be liable to a penalty of not more than \$4 for each such offence.

S. 409  
inserted by  
No. 6794 s. 3,  
amended by  
Nos 96/1994  
s. 33(t),  
10/2004  
s. 15(Sch. 1  
item 14.14).

**410 Recovery of fees and penalties**

No. 6299  
s. 912.  
S. 410  
inserted by  
No. 6794 s. 3.

(1) All proceedings for the recovery of fees or penalties under this Part may be dealt with in a summary manner before the Magistrates' Court.

S. 410(1)  
amended by  
Nos 7876  
s. 2(3),  
57/1989  
s. 3(Sch.  
item 109.14).

(2) No such proceedings shall be taken except by a person authorized in writing in that behalf by the Governor in Council.

S. 411  
inserted by  
No. 6794 s. 3,  
amended by  
Nos 10011  
s. 25, 10087  
s. 3(1)(Sch. 1  
item 139),  
41/1987  
s. 103(Sch. 4  
item 39.63),  
13/1990  
s. 41(n),  
96/1994  
s. 33(u),  
76/1998  
s. 11(m),  
19/2018 s. 152.

**411 Municipal councils to be notified of grant, transfer  
etc. of licences**

Particulars of every licence granted under  
Division 8 of Part I or section 138 of this Act to  
enter and use an unused road or water frontage  
and of any transfer amendment or cancellation  
thereof and of the termination thereof shall be  
supplied by the land manager to the municipal  
council within whose municipal district the  
unused road or water frontage or any part thereof  
is situated.

S. 412  
inserted by  
No. 6794 s. 3,  
amended by  
No. 6886 s. 3,  
repealed by  
No. 7548  
s. 8(2)(a).

\* \* \* \* \*

## **Part XIII A—Limitation of jurisdiction of Supreme Court**

Pt 13A  
(Heading and  
s. 412)  
inserted by  
No. 79/1993  
s. 9.

### **412 Supreme Court—Limitation of jurisdiction**

S. 412  
inserted by  
No. 79/1993  
s. 9.

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court awarding compensation in circumstances where sections 134A(10) and 339A(9) provide that no compensation is payable.

## Part XIV—Regulations

Pt 14  
(Heading and  
s. 413)  
inserted by  
No. 7548  
s. 8(1).

### 413 Regulations

S. 413  
inserted by  
No. 7548  
s. 8(1).

- (1) The Governor in Council may make regulations for or with respect to—
- (a) the constitution proceedings and functions of Local Land Boards, appeals to the Minister against recommendations of such Boards, the lodging with appeals of deposits of money and the forfeiture of the deposit where the Minister considers the appeal to be frivolous;
- \*                    \*                    \*                    \*                    \*
- \*                    \*                    \*                    \*                    \*
- (d) the manner in which applications under this Act are to be made the forms to be used for or in connexion therewith and the imposition of fees for or in connexion therewith;
  - (e) the manner in which land is to be surveyed and the boundaries of land adjusted;
  - (f) the imposition of charges for surveys and the payment thereof by lessees under this Act and providing for the payment thereof by instalments and for the instalments to be added to and be part of the rent or instalments payable by such lessees under their leases;

S. 413(1)(b)  
repealed by  
No. 96/1994  
s. 29.

S. 413(1)(c)  
repealed by  
No. 96/1994  
s. 29.

- (g) the forms of and the conditions to be contained in Crown grants leases licences permits rights consents and other instruments granted or issued under this Act the conditions upon which they may be granted or issued and the imposition of fees for or in connexion therewith;
- (ga) the issuing of duplicate documents in specified circumstances and the fees payable therefor; S. 413(1)(ga)  
inserted by  
No. 8304 s. 6.
- (h) prescribing how and by whom the price of land to be sold under this Act is to be ascertained or fixed;
- (i) the form of and the conditions of or in relation to and the manner of effecting any indorsement registration discharge transfer or assignment authorized by this Act and the imposition of fees for or in connexion therewith or for or in connexion with removing or cancelling any indorsement or registration authorized by this Act;
- (j) the imposition of fees for surveys other than those referred to in paragraph (f) or the supply of any plan or of any certificate or other document for the purposes of this Act;
- (k) the marking out and obtaining possession of land as a residence area;
- (ka) the recreational use of regulated watercourse land, unless regulations made under another Act relating to that use apply; S. 413(1)(ka)  
inserted by  
No. 40/2020  
s. 52(1).
- (kb) the management of campfires on regulated watercourse land, except in relation to matters covered by sections 66A, 66B and 66C of the **Forests Act 1958**; S. 413(1)(kb)  
inserted by  
No. 40/2020  
s. 52(1).

Land Act 1958  
No. 6284 of 1958  
Part XIV—Regulations

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S. 413(1)(kc)  
inserted by  
No. 40/2020  
s. 52(1).

S. 413(1)(l)  
amended by  
No. 18/1989  
s. 13(Sch. 2  
item 41(s)).

- (kc) the setting aside of areas on regulated watercourse land where specified activities are permitted, restricted or prohibited;
- (l) notification to the Registrar of Titles of encumbrances on Crown grants or leases to be registered by him and prescribing the form of recordings to be made in the Register pursuant to this Act;
- (m) the manner in which any right granted under section 165 may be transferred;
- (n) the manner in which any lien or encumbrance authorized by this Act may be created assigned or discharged and the rights and obligations and priority of assignees lienees or encumbrancers;
- (o) the mode of valuing improvements made on any land by any lessee or licensee under this Act in respect thereof and prescribing the giving of a certificate with respect to the value of the improvements;

S. 413(1)(p)  
repealed by  
No. 40/2020  
s. 52(2).

\* \* \* \* \*

- (q) generally all matters or things required or permitted to be prescribed or necessary or expedient to be prescribed for carrying this Act into effect.

S. 413(1A)  
inserted by  
No. 51/2016  
s. 26(1).

- (1A) A power conferred by subsection (1) to make regulations in respect of fees may be exercised by providing for all or any of the following matters—
  - (a) specific fees;
  - (b) maximum fees;

- (c) minimum fees;
  - (d) fees that vary according to the class of licence to which the fees apply;
  - (e) the manner of payment of fees, including the payment of fees by instalment;
  - (f) the time at which, or by which, fees are to be paid.
- (1B) Regulations made under this section may provide for exemptions from or the reduction, waiver or refund, in whole or in part, of any fees fixed or imposed under regulations made under subsection (1). S. 413(1B) inserted by No. 51/2016 s. 26(1).
- (2) The regulations may impose penalties not exceeding 20 penalty units for a contravention of the regulations. S. 413(2) amended by Nos 9019 s. 2(1)(Sch. item 102), 10/2004 s. 15(Sch. 1 item 14.15), 29/2011 s. 3(Sch. 1 item 50), substituted by No. 51/2016 s. 26(2).
- (3) Regulations made under this Act may amend or revoke any regulations made under the **Agricultural Colleges Act 1958**. S. 413(3) inserted by No. 9812 s. 7(1)(g).
- (4) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles. S. 413(4) inserted by No. 51/2014 s. 9(Sch. 2 item 6.3).
- (5) Regulations made under this Act may—
- (a) leave any matter or thing to be decided by a specified person or class of person; and
  - (b) provide for the exemption of persons or a class of persons from any of the regulations. S. 413(5) inserted by No. 40/2020 s. 52(3).

S. 413A  
inserted by  
No. 40/2009  
s. 33.

### **413A Tour operator licence regulations**

- (1) The Governor in Council may make regulations for or with respect to—
  - (a) the fees payable in respect of tour operator licences including—
    - (i) requirements for fees to be paid annually; and
    - (ii) methods for calculating fees, including by reference to the following—
      - (A) numbers of persons that may participate in or have participated in tours; and
      - (B) classes of persons that may participate in or have participated in tours; and
  - (b) prescribing tour operator licence conditions.
- (2) A power conferred by subsection (1) to make regulations providing for the imposition of fees in respect of tour operator licences may be exercised by providing for all or any of the following matters—
  - (a) specific fees;
  - (b) maximum fees;
  - (c) minimum fees;
  - (d) fees that vary according to the class of licence to which they apply;
  - (e) the manner of payment of fees, including the payment of fees by instalment;
  - (f) the time at which, or by which, fees are to be paid.

- (3) Regulations made under this Act in respect of tour operator licences may—
- (a) leave any matter or thing to be decided by a specified person or class of person; and
  - (b) provide for the exemption of persons or a class of persons from any of the regulations providing for the imposition of fees; and
  - (c) provide for the reduction, waiver or refund, in whole or in part, of the fees fixed by regulations made under this section; and
  - (d) provide, in specified circumstances, for the reinstatement or payment, in whole or in part, of any fee reduced, waived or refunded in accordance with the regulations.
- (4) Without limiting subsection (3), if the regulations provide for a reduction, waiver or refund, in whole or in part, of a fee pursuant to subsection (3), the reduction, waiver or refund—
- (a) may be expressed to apply either generally or specifically—
    - (i) in respect of certain matters or classes of matters;
    - (ii) in respect of certain persons or classes of persons;
  - (b) may be subject to specified conditions.

**413B Payment of refunds**

If regulations made under this Act provide for a refund of a fee, and the fee has been paid into the Consolidated Fund, the Consolidated Fund is appropriated to the necessary extent to enable any refund to be paid.

S. 413B  
inserted by  
No. 51/2016  
s. 27.

Pt 15  
 (Heading and  
 ss 414–416)  
 inserted by  
 No. 40/2009  
 s. 34.

## Part XV—Transitional provisions

|  |   |   |   |   |   |
|--|---|---|---|---|---|
| S. 414<br>inserted by<br>No. 40/2009<br>s. 34,<br>repealed by<br>No. 40/2020<br>s. 53. | * | * | * | * | * |
|--|---|---|---|---|---|

|  |   |   |   |   |   |
|--|---|---|---|---|---|
| S. 415<br>inserted by<br>No. 40/2009<br>s. 34,<br>repealed by<br>No. 40/2020<br>s. 54. | * | * | * | * | * |
|--|---|---|---|---|---|

|  |   |   |   |   |   |
|--|---|---|---|---|---|
| S. 416<br>inserted by<br>No. 40/2009<br>s. 34,<br>repealed by<br>No. 40/2020<br>s. 55. | * | * | * | * | * |
|--|---|---|---|---|---|

|  |   |   |   |   |   |
|--|---|---|---|---|---|
| S. 417<br>inserted by<br>No. 12/2016<br>s. 17,<br>repealed by<br>No. 40/2020<br>s. 56. | * | * | * | * | * |
|--|---|---|---|---|---|

S. 418  
inserted by  
No. 12/2016  
s. 17.

### 418 Transitional provision for holders of agricultural licences—Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016

Despite the substitution of section 144 by the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016**, the holder of an agricultural licence who, immediately before that substitution, kept hives on the land held under the agricultural

licence in accordance with that section may continue to keep those hives on the land on and after that substitution until the expiry of the agricultural licence, as if that section had not been substituted.

**419 Transitional provision for tour operator licences—  
Great Ocean Road and Environs Protection  
Amendment Act 2021**

Despite the commencement of the **Great Ocean Road and Environs Protection Amendment Act 2021**, a tour operator licence granted under section 140I before 1 July 2023, which immediately before that date permitted the licence holder to conduct a tour or recreational activity on land in the Great Ocean Road coast and parks, continues to permit the licence holder to conduct that tour or activity on that land on and after that date, unless the licence is otherwise varied, suspended or cancelled.

S. 419  
inserted by  
No. 12/2016  
s. 17,  
repealed by  
No. 40/2020  
s. 57, new  
s. 419  
inserted by  
No. 42/2021  
s. 97.

Land Act 1958  
No. 6284 of 1958  
Schedules

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## Schedules

Sch. 1  
amended by  
No. 9019  
s. 2(1)(Sch.  
item 104),  
repealed by  
No. 40/2020  
s. 58.

\* \* \* \* \*

Sch. 2  
repealed by  
No. 96/1994  
s. 18.

\* \* \* \* \*

## Schedule Two A

Land in respect of which Application for Authority to Surrender may be made by Registered Proprietor or Person seized of Estate in Fee Simple.

Section 22C.  
Sch. 2A  
inserted by  
No. 7075 s. 3,  
substituted by  
No. 8363 s. 3,  
amended by  
No. 18/1989  
s. 13(Sch. 2  
item 41(f)  
(i)-(iv)).

\* \* \* \* \*

Sch. 2A item 1  
repealed by  
No. 8839  
s. 2(a).

### 2 Ballendella Public Hall

All that piece of land being Crown allotments 12D and 12E Section E Parish of Ballendella and being the land described in folios of the Register Volume 3798 Folium 446 and Volume 3816 Folium 111.

### 3 Banyena Mechanics Institute

All that piece of land being Crown allotment 9 Section 2 Township of Banyena Parish of Burrum Burrum and being the land described in folio of the Register Volume 1178 Folium 479.

### 4 Barkly Park Rutherglen

All that piece of land being Crown allotment 14 Section P Township of Rutherglen Parish of Carlyle and being the land described in folio of the Register Volume 1927 Folium 226.

### 5 Bears Lagoon Public Hall

All that piece of land being part of Crown allotment 156B Parish of Janiember East and being the land described in folio of the Register Volume 3821 Folium 094.

**6 Bendigo District Trotting Club**

All that piece of land being Crown allotments 348 and 349 Parish of Sandhurst and being the land described in folio of the Register Volume 3364 Folium 656.

**7 Bolinda Mechanics Institute**

All that piece of land being part of Crown allotment 41 Section A Parish of Kerrie and being the land described in folio of the Register Volume 3714 Folium 714.

Sch. 2A item 8  
repealed by  
No. 9102  
s. 4(a).

\* \* \* \* \*

**9 Brodribb Public Hall**

All that piece of land being part of Crown allotment 34A Section C and part of a former Government road Parish of Orbost East and being the land described in folios of the Register Volume 5137 Folium 268 and Volume 5691 Folium 119.

**10 Carrajung South Public Hall**

All that piece of land being part of Crown allotment 67 Parish of Carrajung and being the land described in folio of the Register Volume 4973 Folium 522.

**11 Clunes and District Agricultural Society**

All that piece of land being Crown allotment 5 Section 8 and Crown allotments 6 to 18 (both inclusive) Section 25 Township of Clunes Parish of Clunes and being the land described in folios of the Register Volume 1272 Folium 384 and Volume 1274 Folium 738.

**12 Cobrico Recreation Reserve**

All that piece of land being part of Subdivision B of Crown Allotment 2 Section 7 Parish of Elingamite and being the land described in folio of the Register Volume 6212 Folium 384.

**13 Condah Mechanics Institute**

All that piece of land being part of Crown allotment 7 Section 2 Parish of Greenhills and being the land described in Conveyance registered in the Office of the Registrar-General Book 609 Memorial 867.

**14 Digby Memorial Hall**

All that piece of land being Crown allotments 9 and 10 Section 7 Township of Digby Parish of Digby and being the land described in folio of the Register Volume 5069 Folium 675.

**15 Drumborg Public Hall**

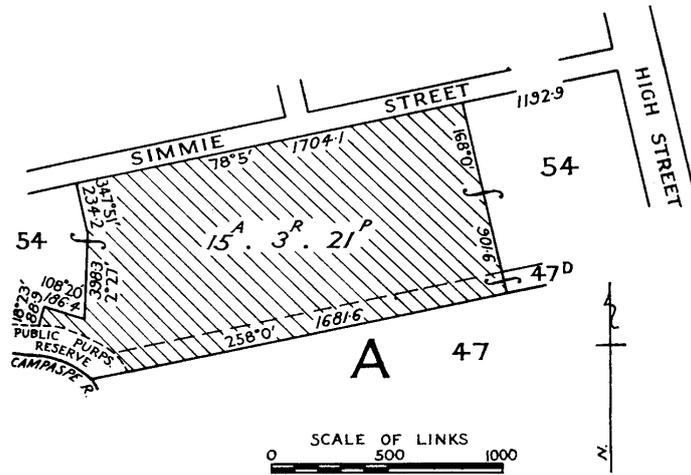
All that piece of land being part of Crown allotment 31C Parish of Drumborg and being the land described in folio of the Register Volume 7832 Folium 050.

**16 Echuca Trotting Club**

All that piece of land being—

Lot 1 on Plan of Subdivision No. 77114 being part of Crown allotment 47 Section A Parish of Echuca North and being the land described in folio of the Register Volume 8678 Folium 539;  
and

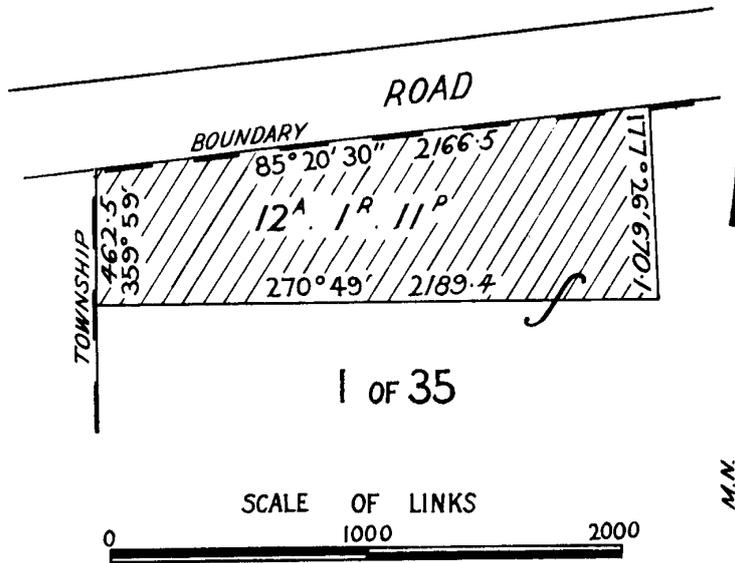
Those parts of Crown allotments 47D and 54 Section A Parish of Echuca North shown hatched on the plan hereunder and being parts of the land described in folios of the Register Volume 2848 Folium 600 and Volume 3572 Folium 292.



SCHEDULE

**17 Edenhope Race Club**

All that piece of land being part of Crown allotment 1 Section 35 Township of Edenhope Parish of Edenhope shown hatched on the plan hereunder and being part of the land described in folio of the Register Volume 6052 Folium 242.



**18 Glenorchy Tennis Club**

All that piece of land being Crown allotment 2 Section 13 Township of Glenorchy and being the land described in Conveyance registered in the Office of the Registrar-General Book 595 Memorial 671.

**19 Goorambat Public Hall**

All those pieces of land being parts of Crown allotment 74 Parish of Goorambat and being the land described in folios of the Register Volume 1965 Folium 826, Volume 3360 Folium 832 and Volume 7282 Folium 296.

**20 Granya Public Hall**

All that piece of land being Crown allotment 8 Section C Township of Granya Parish of Bungil and being the land described in folio of the Register Volume 4845 Folium 830.

**21 Gunbower Soldiers' Memorial Hall**

All that piece of land being part of Crown allotment 8C Section C Parish of Patho and being the land described in folio of the Register Volume 4960 Folium 983.

**22 Hamilton and District Trotting Club**

All that piece of land being Crown allotment 6 Section 7 Parish of South Hamilton and being the land described in folio of the Register Volume 8598 Folium 682.

**23 Lismore Mechanics Institute**

All that piece of land being Crown allotments 7 and 8 Section 11 Township of Lismore Parish of Lismore and being the land described in folio of the Register Volume 8151 Folium 382.

**24 Macarthur Race Course**

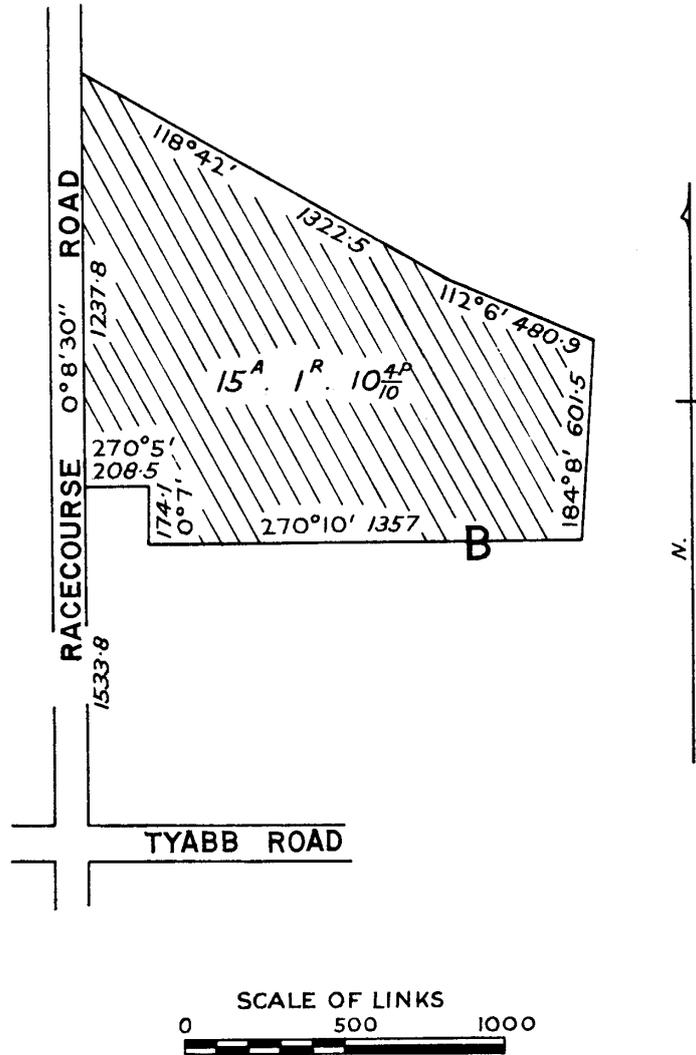
All that piece of land being Lots 18 and 19 and part of Lots 8 and 9 on Plan of Subdivision No. 4670 Parish of Ardonachie and being the land described in folios of the Register Volume 3431 Folium 060, Volume 8210 Folium 941 and Volume 8402 Folium 666.

**25 Milloo Public Hall**

All that piece of land being part of Crown allotment 17 Parish of Milloo and being the land described in folio of the Register Volume 5044 Folium 783.

**26 Mornington Racing Club**

All that piece of land being part of Lots 19 and 20 on Plan of Subdivision No. 6787 being part of Crown allotment B Parish of Moorooduc shown hatched on the plan hereunder and being part of the land described in folios of the Register Volume 3999 Folium 698 and Volume 4544 Folium 755.



## 27 Mortlake Soldiers' Memorial Hall

All that piece of land being Crown allotment 4  
Section 10 Township of Mortlake Parish of  
Mortlake and being the land described in folio of  
the Register Volume 6080 Folium 980.

**28 Natimuk Tennis Club**

All that piece of land being Crown allotments A2 and A3 Township of Natimuk Parish of Natimuk and being the land described in folios of the Register Volume 6299 Folium 665 and Volume 8217 Folium 396.

**29 Peshurst Race Course and Recreation Reserve**

All that piece of land being Crown allotment 36 Parish of Yalimba and being the land described in folios of the Register Volume 3273 Folium 414 and Volume 4647 Folium 254.

**30 Poowong Recreation Reserve**

All that piece of land being Lots 6 and 7 on Plan of Subdivision No. 28615 being part of Crown allotment 7 Parish of Poowong and being the land described in folio of the Register Volume 8171 Folium 272.

**31 Porepukah Public Hall**

All that piece of land being Crown allotment 10 Section 1A Township of Porepukah Parish of Porepukah and being the land described in folio of the Register Volume 3628 Folium 485.

**32 Powlett Plains Public Hall**

All that piece of land being part of Crown allotment 70A Parish of Powlett and being the land described in folio of the Register Volume 7400 Folium 887.

**33 Raymond Island Hall**

All that piece of land being part of Lot 18 on Plan of Subdivision No. 18507 being part of Crown allotment 1 Section 13 Township of Raymond Island Parish of Bairnsdale and being the land described in folio of the Register Volume 7390 Folium 975.

**34 Rochester Jockey Club**

All that piece of land being Crown allotments 60, 61 and 62 and part of Crown allotment 59 Parish of Rochester West and being the land described in folio of the Register Volume 8864 Folium 615.

**35 Rosedale Mechanics Institute and Free Library**

All that piece of land being part of Crown allotment 9 Section 3 Township of Rosedale Parish of Rosedale and being the land described in folios of the Register Volume 2454 Folium 643 and Volume 5556 Folium 020 and the land described in Conveyance registered in the Office of the Registrar-General Book 325 Memorial 518.

**36 Rupanyup Bowling Club**

All that piece of land being Crown allotments 23 and 25 Section 1 Township of Rupanyup Parish of Rupanyup and being the land described in Crown grant Volume 6018 Folium 425 and folio of the Register Volume 7566 Folium 116.

**37 Shepparton Trotting Club**

All that piece of land being part of Crown allotment 62A Parish of Kialla and being the land described in folio of the Register Volume 8937 Folium 665.

**38 South Purrumbete Recreation Ground**

All that piece of land being part of Crown allotment 47D Parish of Purrumbete South and being the land described in folios of the Register Volume 5919 Folium 792 and Volume 8305 Folium 954.

**39 Stawell Trotting Club**

All that piece of land being Crown allotments 4 to 8 (both inclusive) and part of Crown allotment 3 Section 46 Parish of Stawell and being the land described in folios of the Register Volume 7320 Folium 969, Volume 7603 Folium 071, Volume 8330 Folium 532 and Volume 8332 Folium 117.

**40 Tawonga Public Hall**

All that piece of land being part of Crown allotment 3 Section 13 Parish of Mullindolingong and being the land described in folio of the Register Volume 8055 Folium 302.

**41 Terang Racing Club**

All that piece of land being part of Crown allotments 8 and 9 Section 18 Parish of Terang and being the land described in folio of the Register Volume 5339 Folium 770.

**42 Terang Trotting Club**

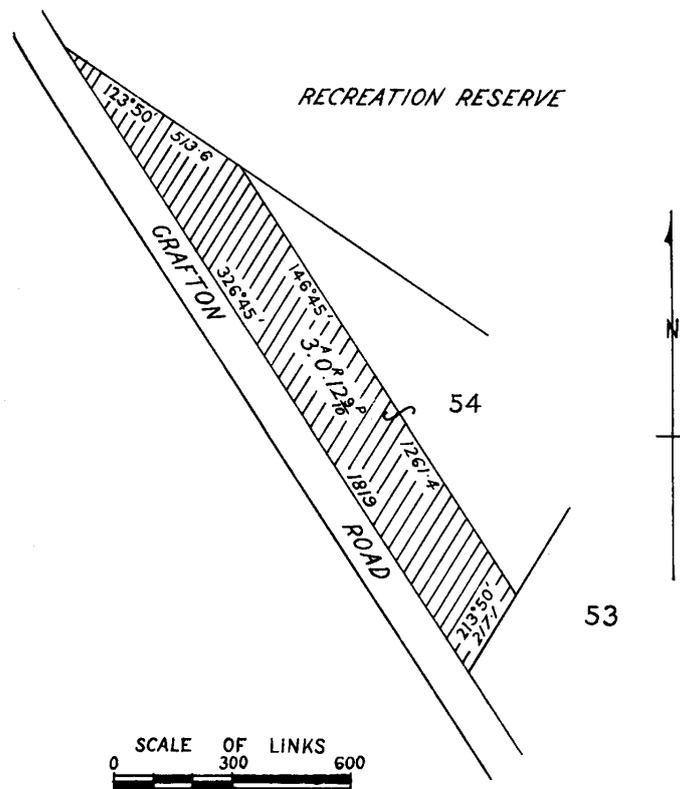
All that piece of land being parts of Crown allotments 3 and 4 Section 10 Parish of Terang and being the land described in folios of the Register Volume 8929 Folium 010, Volume 8120 Folium 621 and Volume 8923 Folium 603.

**43 Victoria Valley Public Hall**

All that piece of land being part of Crown allotment 55 Parish of Panyyabyr and being the land described in folio of the Register Volume 7436 Folium 111.

#### 44 Warrnambool Racing Club

All that piece of land being parts of Crown allotments 53 and 54 Township of Warrnambool Parish of Wangoom and being the land described in folios of the Register Volume 7778 Folium 147 and Folium 148 SAVE AND EXCEPT that part of the said Crown allotment 54 shown hatched on the plan hereunder.



#### 45 Woodend Mechanics Institute

All that piece of land being parts of Crown allotments 1, 2 and 10 Section 2 Township of Woodend Parish of Woodend and being the land described in folio of the Register Volume 2455 Folium 842.

**46 Yarra Glen Racing Club**

All that piece of land being parts of Crown portions 22, 23 and 24 Parish of Tarrawarra and being the land described in following folios of the Register—

Volume 4099 Folium 612,  
Volume 4994 Folium 733,  
Volume 7161 Folium 110,  
Volume 7287 Folium 283,  
Volume 8040 Folium 911,  
Volume 8042 Folium 651,  
Volume 8677 Folium 363 and  
Volume 8790 Folium 597.

## Schedule Two B

Land in respect of which Application for Authority to Surrender may be made by a Municipality.

### 1 Aubrey Public Hall

All that piece of land being Crown allotment 65B Parish of Cannum and being the land described in folio of the Register Volume 3000 Folium 831.

### 2 Condah Mechanics Institute

All that piece of land being part of Crown allotment 7 Section 2 Parish of Greenhills and being the land described in Conveyance registered in the Office of the Registrar-General Book 400 Memorial 331.

### 3 Drouin West Mechanics Institute

All that piece of land being Crown allotment 31 Section B Township of Whisky Creek Parish of Drouin West and being the land described in folio of the Register Volume 3297 Folium 244.

### 4 Seaton Public Hall

All that piece of land being part of Crown Suburban Section C Township of Seaton Parish of Glenmaggie and being the land described in folio of the Register Volume 2807 Folium 237.

### 5 Allendale Recreation Reserve

All that piece of land being part of Crown Section 71, Parish of Spring Hill and being the land described in folio of the Register Volume 3094 Folium 648.

### 6 Drouin South Mechanics Institute

All that piece of land being part of Crown allotment 101, Parish of Drouin West and being the land described in folio of the Register Volume 2122 Folium 337.

Section 22C.  
Sch. 2B  
inserted by  
No. 8130 s. 3,  
substituted by  
Nos 8205 s. 2,  
8363 s. 3,  
amended by  
Nos 8839  
s. 2(b), 8996  
s. 2, 9026 s. 2,  
9102 s. 4(b),  
9528 s. 4, 9705  
s. 3, 36/1986  
s. 3(b),  
18/1989  
s. 13(Sch. 2  
item  
41(t)(i)-(iv)),  
27/1993  
ss 12, 15.

**7 Lockington Memorial Hall**

All that piece of land being Crown allotment 1, Section 3, Township of Lockington, Parish of Bamawm and being the land described in folio of the Register Volume 5688 Folium 494.

**8 Myamyn Mechanics Institute**

All that piece of land being part of Crown allotment 2C, Section 7, Parish of Myamyn and being the land described in folio of the Register Volume 2286 Folium 083.

**9 Stanhope Public Hall**

All that piece of land being Crown allotment 2, Section 3, Township of Stanhope, Parish of Girgarre and being the land described in folio of the Register Volume 8067 Folium 102.

**10 Upwey Recreation Reserve**

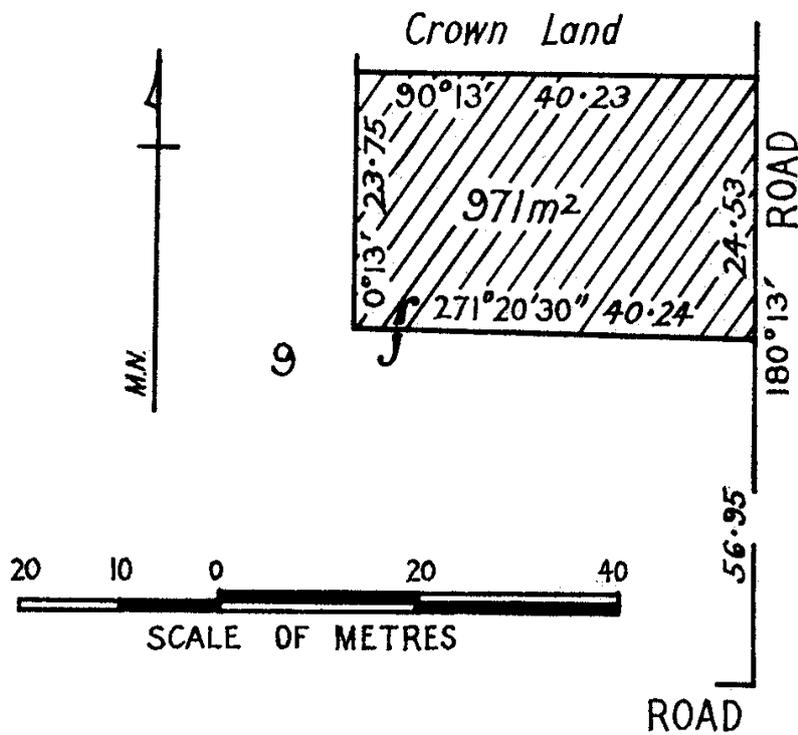
All that piece of land being Lot 40 on plan of subdivision No. 6646, being part of Crown allotment 72D, Parish of Scoresby and being the land described in folio of the Register Volume 4885 Folium 866.

**11 Wahgunyah School of Arts**

All that piece of land being—part of the Wahgunyah Pre-emptive Right Section A, Parish of Carlyle and being the land described in Conveyance registered in the Office of the Registrar-General Book 750 Memorial 175; and part of the Wahgunyah Pre-emptive Right Section A, Parish of Carlyle and being the land described in Deed of Gift registered in the Office of the Registrar-General Book 178 Memorial 458.

### 12 Neerim Junction Mechanics Institute

All that piece of land being part of Crown allotment 9, Parish of Neerim shown hatched on the plan hereunder and being part of the land described in folio of the Register Volume 1706 Folium 048.

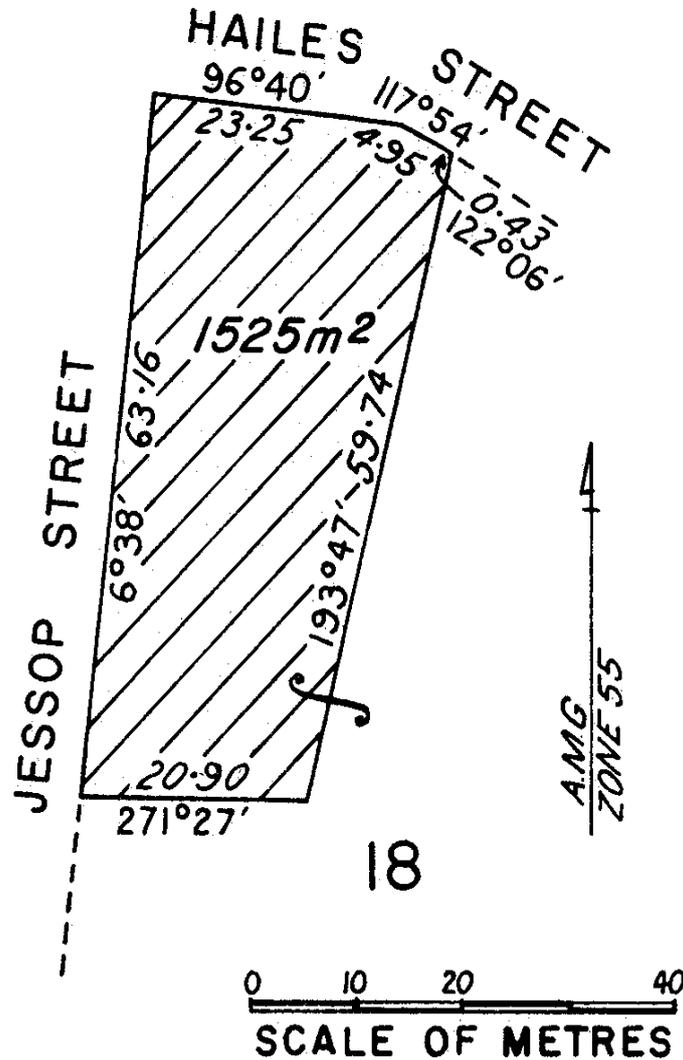


### 13 Glenhuntly Public Hall

All that piece of land being Crown allotment 21, Section 70, Parish of Prahran East of Elsternwick and being the land described in folio of the Register Volume 5107 Folium 292.

**14 Greensborough Cemetery**

All that piece of land being part of Crown Portion 18, Parish of Keelbundora shown hatched on the plan hereunder and being part of the land described in Conveyance registered in the Office of the Registrar-General Book 552 Memorial 838.



**15 Redesdale Public Hall**

All that piece of land being Crown Allotment 3, Section 11A, Township of Redesdale, Parish of Redesdale, and being the land described in folio of the Register Volume 626 Folium 095.

**16 Wesley Hill Hall**

All that piece of land being Crown Allotments 62 and 63, Section G, Parish of Castlemaine and being the land described in folio of the Register Volume 1858 Folium 414.

**17 Springhurst Public Hall**

All that piece of land being part of Crown allotment 6, Section 8, Township of Springhurst, Parish of Bontherambo and being the land described in folio of the Register Volume 5047 Folium 371.

**18 Tallangatta Memorial Hall**

All that piece of land being part of Crown allotment 7, Section 11, Parish of Beethang and being the land described in folio of the Register Volume 8266 Folium 772.

**19 Bonang Public Hall**

All that piece of land being part of Crown allotment 1A, Section A, and part of a former Government road Parish of Bonang and being the land described in folio of the Register Volume 6540 Folium 983.

**20 Wahgunyah (John Foord) Cemetery**

All that piece of land being part of Crown Section A, Parish of Carlyle and being the land described in Conveyance registered in the Office of the Registrar-General Book 321 Memorial 896.

**21 Fernbank Mechanics Institute**

All that piece of land being Crown Allotment 6, Section 1, Township of Fernbank, Parish of Nindoo and being the land described in folio of the Register Volume 3319 Folio 729.

**22 Great Western Memorial Park**

All that piece of land being Crown Allotments 59 and 60, Township of Great Western, Parish of Concongella and being the land described in folios of the Register Volume 155 Folio 875, Volume 155 Folio 876, Volume 279 Folio 773, Volume 282 Folio 224 and Volume 1077 Folio 352.

**23 Badger Creek Public Hall**

All that piece of land being part of Crown Allotment 118, Parish of Gracedale and being the land described in folio of the Register Volume 4906 Folio 044.

**23A**

All that piece of land being part of Crown Allotment 4B, Section 6, Parish of Myamyn, and being the land for the time being described in Folio of the Register Volume 720 Folio 811.

**24**

All that piece of land being Crown Allotment 21A, Parish of Merino and being the land described in folio of the Register Volume 8036 Folium 089.

**25**

All that piece of land being Crown Allotment 3, Section 3, Township of Carrajung, Parish of Carrajung, and being all the land described in Folio of the Register Volume 3655 Folio 833.

Land Act 1958  
No. 6284 of 1958  
Schedule Two B

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**26**

All that piece of land being Crown Allotment 44C, Parish of Peechelba, County of Moira and being the land described in Folio of the Register Volume 5839 Folio 763.

**27**

All that piece of land being part of Crown Allotment 47A, Parish of Lowan and being the land described in Folio of the Register Volume 2510 Folio 850.

Sch. 2B  
item 27  
inserted by  
No. 6/1994  
s. 10.

\* \* \* \* \*

Sch. 3  
amended by  
Nos 7228  
s. 7(Sch 4  
Pt 19(qc)),  
8353 s. 19,  
9345 s. 56(2),  
9921 s. 255,  
44/1989  
s. 41(Sch. 2  
item 22.5),  
81/1989  
s. 3(Sch.  
item 25.16),  
repealed by  
No. 96/1994  
s. 30.

Land Act 1958  
No. 6284 of 1958  
Schedule Three A

Section 99.  
Sch. 3A  
inserted by  
No. 75/1987  
s. 4(3).

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## Schedule Three A

### LAND TO WHICH SECTION 99 DOES NOT APPLY

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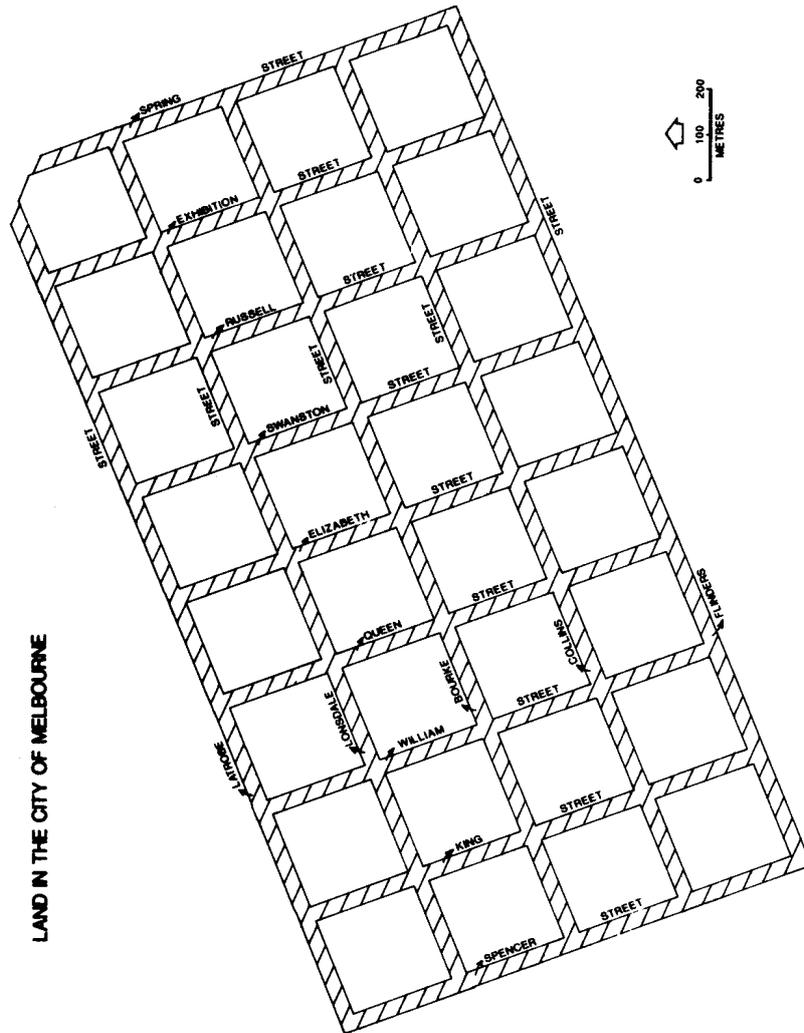
| <i>Situation and<br/>area of land</i>  | <i>Instrument<br/>and date of<br/>temporary<br/>reservation</i> | <i>Description<br/>of land by<br/>reference to<br/>Government<br/>Gazette</i> | <i>Particulars of<br/>registration<br/>of Crown<br/>grant</i> | <i>Purpose of<br/>reservation</i>   | <i>Extent of<br/>revocation</i> |
|--|---|---|---|-------------------------------------|---------------------------------|
| City of South<br>Melbourne<br>Parish of<br>Melbourne<br>South, 1213<br>square metres | Order in<br>Council<br>5 August<br>1889                         | Government<br>Gazette<br>9 August 1889<br>page 2727                           | —   | Site for<br>Homeopathic<br>Hospital | The entire<br>reserve           |

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S. 138A.  
Sch. 3B  
inserted by  
No. 90/1989  
s. 7(3).

## Schedule Three B

### LAND OVER WHICH A LICENCE MAY NOT BE GRANTED



Land Act 1958  
No. 6284 of 1958  
Schedule Three B

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Sch. 4  
repealed by  
No. 40/2020  
s. 59.

\* \* \* \* \*

Sch. 5  
repealed by  
No. 7315  
s. 3(Sch. 1).

\* \* \* \* \*

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## Sixth Schedule

### FORM OF INFORMATION AGAINST UNAUTHORIZED OCCUPANT OF CROWN LANDS

Elizabeth II, }  
to wit. } The information of A. B.,

on behalf of and authorized by the Minister for the time being  
administering the **Conservation, Forests and Lands Act 1987**, taken this  
day of in the year 19 , before  
the undersigned, a Magistrate, who saith that C.D.  
of is in unauthorized occupation of certain Crown lands  
situate at which were held by him under a licence [*or* lease]  
bearing date the day of 19 , which said licence  
[*or* lease] has expired [*or* become void or forfeited] *or* [been revoked] under  
the provisions of Part of the **Land Act** , and  
possession of which Crown lands he refuses or neglects to deliver up.

Sworn or affirmed before me the day and year  
first above mentioned at

Magistrate

Section 194.  
Sch. 6  
amended by  
Nos 7228  
s. 7(Sch. 4  
Pt 19(rc)),  
41/1987  
s. 103(Sch. 4  
item 39.64),  
57/1989  
s. 3(Sch. item  
109.15(a)(b)),  
6/2018  
s. 68(Sch. 2  
item 75).

A.B.

## Seventh Schedule

Section 194.

Sch. 7

amended by

Nos 7228

s. 7(Sch. 4

Pt 19(rc)),

7876 s. 2(3),

41/1987

s. 103(Sch. 4

item 39.65),

57/1989

s. 3(Sch. item

109.16(a)(b)).

### FORM OF SUMMONS TO UNAUTHORIZED OCCUPANT

Elizabeth II, }  
to wit. }

To \_\_\_\_\_ of \_\_\_\_\_ in Victoria.

You are hereby summoned to appear before the Magistrates' Court to be holden at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock in the forenoon, then and there to answer to an information authorized by the Minister for the time being administering the **Conservation, Forests and Lands Act 1987**, for that you are in the unauthorized and illegal occupation of certain Crown lands, to wit—  
possession of which you neglect or refuse to deliver up.

Given under \_\_\_\_\_ hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year  
One thousand nine hundred and \_\_\_\_\_

Magistrate (L.S.)

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Note.—In case you fail to attend this summons, upon proof of reasonable notice to you of the same, the complaint will be heard in your absence, and such order made as to the Court shall seem fit.



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Dated at \_\_\_\_\_ the \_\_\_\_\_ day  
of \_\_\_\_\_ 20 \_\_\_\_ .  
Magistrate  
Registrar of Magistrates' Court.

## **Eighth Schedule**

### **FORM OF WARRANT TO DISPOSSESS UNAUTHORIZED OCCUPANT**

Elizabeth II, }  
to wit. }

To

and all police officers. Whereas  
on the            day of            in the year 19            it was made to appear  
to the Court which has adjudged that the said A.B. is in the unauthorized and  
illegal occupation of certain Crown lands [*here state description of lands*].

These are therefore to require you, that without delay you cause the Minister  
for the time being administering the **Conservation, Forests and Lands  
Act 1987** to have possession of the said premises with the appurtenances, and  
to eject the said A.B. and all other persons therefrom, for which this shall be  
a sufficient warrant.

Given under my hand this            day of

Section 195.  
Sch. 8  
amended by  
Nos 7332  
s. 2(Sch. 1  
items 49, 50),  
16/1986 s. 30,  
41/1987  
s. 103(Sch. 4  
item 39.67),  
57/1989  
s. 3(Sch. item  
109.18(a)(b)),  
37/2014  
s. 10(Sch.  
item 92.3).

Section 214.

## Ninth Schedule

|           |           |            |            |           |
|-----------|-----------|------------|------------|-----------|
| Anglesey  | Dalhousie | Grant      | Lowan      | Rodney    |
| Bendigo   | Delatite  | Grenville  | Moira      | Talbot    |
| Bogong    | Dundas    | Gunbower   | Mornington | Tanjil    |
| Borong    | Evelyn    | Hampden    | Normanby   | Tatchera  |
| Bourke    | Follett   | Heytesbury | Polwarth   | Villiers. |
| Buln Buln | Gladstone | Kara Kara  | Ripon      |           |

And in addition to the counties hereinbefore mentioned any counties and districts which by proclamation published in the Government Gazette the Governor in Council has added or adds to this Schedule.

Sch. 10  
amended by  
No. 8461  
s. 61(a)-(e),  
repealed by  
No. 96/1994  
s. 25.

\* \* \* \* \*

Sch. 11  
repealed by  
No. 96/1994  
s. 25.

\* \* \* \* \*

Sch. 12  
repealed by  
No. 96/1994  
s. 25.

\* \* \* \* \*

## Thirteenth Schedule

Land in respect of which a development lease or leases may be granted.

2310 square kilometres more or less, Counties of Lowan and Weeah within the boundaries hereinafter described.

Commencing at the north-western angle of the Parish of Berontha, County of Lowan; bounded thence by the western boundary of the Parish of Berontha bearing southerly to the north-eastern angle of allotment 64, Parish of Pengana; thence by the northern boundary of that allotment bearing westerly and by the western boundary of the said allotment and a line in continuation thereof bearing southerly to the northern boundary of allotment 63, Parish of Dahwedarre; thence by the northern boundary of that allotment and a line in continuation thereof bearing westerly to the western side of the road forming the western boundary of the said allotment 63; thence by the western side of the aforesaid road bearing southerly to the northern angle of allotment 61; thence by the north-western boundary of that allotment bearing south-westerly to the eastern boundary of allotment 60; thence by the eastern and northern boundaries of that allotment bearing northerly and westerly to the north-western angle of the said allotment 60; thence by the eastern side of a road bearing northerly to a point in line with the northern boundary of allotment 67; thence by a direct line, the northern boundary of allotment 67 and a line in continuation thereof bearing westerly to the western side of the road forming the western boundary of the said allotment 67; thence by the western side of that road bearing southerly to the north-eastern angle of allotment 66; thence by the northern boundary of allotment 66 and a line in continuation thereof bearing westerly to the western side of the road forming the western boundary of the said allotment 66; thence by the western side of that road bearing southerly to the north-eastern angle of allotment 68; thence by the northern boundary of allotment 68 bearing westerly to the north-western angle of that allotment; thence by the western boundary of allotment 68 and a line in continuation thereof bearing southerly to the northern side of the road

Sections 303,  
306.

No. 5585  
Schedule.

Sch. 13  
amended by  
No. 8461  
s. 62(a)-(e).

forming the northern boundary of allotment 101, Parish of Peechember; thence by the northern side of that road bearing westerly to the western side of the road forming the western boundary of the Parish of Peechember; thence by the western side of that road bearing southerly to the northern boundary of the Parish of Yarrock; thence by the northern boundary of the Parish of Yarrock bearing easterly to the western side of the road forming the western boundary of allotment 70, Parish of Yarrock; thence by the western side of that road bearing southerly to the north-eastern angle of allotment 74; thence by the northern boundaries of allotments 74 and 73 bearing westerly to the eastern boundary of the Parish of Murrawong; thence by that boundary bearing northerly and by the northern and western boundaries of the Parish of Murrawong bearing westerly and southerly to the northern side of the road forming the northern boundary of allotment 7, Parish of Durndal; thence by the northern side of that road bearing westerly to the western side of the road forming the western boundary of allotment 6; thence by the western side of the last-mentioned road bearing southerly to the northern side of the road forming the northern boundary of allotment 1; thence by the northern side of that road bearing westerly and by the western side of the road forming the western boundary of the Parish of Durndal bearing southerly to the northern boundary of allotment 1, Parish of Toonambool; thence by the last-named boundary bearing westerly to the eastern side of the road forming the eastern boundary of allotment 3; thence by the eastern side of that road bearing northerly to the northern side of the road forming the northern boundary of allotment 3; thence by the northern boundary of that road bearing westerly to a point in line with the western boundary of the last-named allotment; thence by a line and the western boundaries of allotments 3 and 4 bearing southerly to a point in line with the northern boundary of allotment 35E, Parish of Dinyarrak; thence by a line, the northern boundary of allotment 35E and a line in continuation thereof to the western boundary of the State of Victoria; thence by the western boundary of the State bearing north a distance of 66.8 kilometres more or less to Mount Little Doughboy, County of Weeah; thence by lines bearing N. 88 deg. 5 min. E. 31.8 kilometres and

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S. 24 deg. 39 min. E. 26.2 kilometres more or less to the north-western angle of grazing licence Block 22, and thence by the western boundary of that block bearing south 16.1 kilometres more or less to the north-western angle of the Parish of Berontha, County of Lowan, being the point of commencement.

Section 353.

## Fourteenth Schedule

*Parishes in which crown lands referred to in this Act as "mountainous lands" are situated:*

1. In the county of Heytesbury, the parish of Wiridjil.
2. In the county of Polwarth, the parishes of—

|               |             |           |
|---------------|-------------|-----------|
| Newlingrook   | Wyelangta   | Olangolah |
| Moomowroong   | Weeaprounah | Krambruk  |
| Wangerrip     | Moorbanool  | Wongarra  |
| Barwongemoong | Barramunga  | Otway     |
| Aire          |             |           |
3. In the counties of Heytesbury and Polwarth, the parish of La Trobe.
4. In the county of Buln Buln, the parishes of—

|               |        |           |
|---------------|--------|-----------|
| Woorarra      | Mirboo | Budgeree  |
| Wonyip        | Bulga  | Jeeralang |
| Gunyah Gunyah | Jumbuk | Callignee |
| Mirboo South  |        |           |

And in addition to the parishes hereinbefore mentioned any parishes which the Governor in Council by proclamation published in the Government Gazette has added or adds to this Schedule.

## Fifteenth Schedule

Section 364.

### PART X—Land Act 1958

#### NOTICE OF INTENDED SALE BY THE CROWN

His Excellency the Governor with the advice of the Executive Council has under the authority conferred by Part X of the **Land Act 1958** directed the sale by auction of the land hereunder specified.

The land will be sold in fee simple subject to the covenants conditions exceptions reservations and regulations directed by the Governor in Council by an Order dated the                      day of                      19      .

Upset price,

A new Crown grant will be issued to the purchaser and the old one cancelled.

#### LAND

*[Here, if all the land in the Crown grant is to be sold, insert the description given in the grant omitting the map; if only part is to be sold, insert the words] "Part of" [followed by a description by metes and bounds and abuttals, adding where necessary the words] "a plan whereof can be inspected at the Office of Titles, Queen-street, Melbourne."*

Being land comprised in a Crown grant dated the                      day of                      with the grantee therein described as *[insert name and addition given in grant]* which grant has ever since it was sealed remained unclaimed in the possession and under the control of the Crown, and can be inspected at the Office of Titles, Queen-street, Melbourne.

Section 374.

## Sixteenth Schedule

### FEES

|                               |         |                             |
|-------------------------------|---------|-----------------------------|
| Application under section 368 | ..      | \$2.                        |
| Inspection of grant           | .. .. . | Twenty-five cents (\$0.25). |
| Grounds under section 369     | .. ..   | Fifty cents (\$0.50).       |

## Seventeenth Schedule

All the beds of streams and lakes in the under-mentioned parishes and the beds of Lake King Lake Victoria Lake Wellington and Lake Tyers together with all Crown frontages to such streams and lakes.

Section 104A.  
Sch. 17  
inserted by  
No. 8310 s. 4.

*Parishes of—*

|                  |                |
|------------------|----------------|
| Bairnsdale       | Goon Nure      |
| Bengworden       | Longford       |
| Bengworden South | Meerlieu       |
| Boole Poole      | Ninnie         |
| Booran           | Nuntin         |
| Broadlands       | Sale           |
| Bumberrah        | Sarsfield      |
| Colquhoun        | Seacombe       |
| Colquhoun East   | Tildesley West |
| Colquhoun North  | Wulla Wullock  |
| Dulungalong      | Wurruk Wurruk  |
| Giffard          | Wy-yung        |
| Glencoe          | Yeerung        |
| Glencoe South    |                |

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The **Land Act 1958** was assented to on 30 September 1958 and came into operation on 1 April 1959: Government Gazette 18 March 1959 page 892.

#### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

##### Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

##### References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

##### Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

## 2 Table of Amendments

This publication incorporates amendments made to the **Land Act 1958** by Acts and subordinate instruments.

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### **Land (Charges) Act 1959, No. 6504/1959**

*Assent Date:* 5.5.59  
*Commencement Date:* 5.5.59  
*Current State:* All of Act in operation

### **Statute Law Revision Act 1959, No. 6505/1959**

*Assent Date:* 5.5.59  
*Commencement Date:* 1.4.59: s. 1(2)  
*Current State:* All of Act in operation

### **Hepburn Springs Land Act 1959, No. 6517/1959**

*Assent Date:* 12.5.59  
*Commencement Date:* 1.7.59: Government Gazette 1.7.59 p. 1846  
*Current State:* All of Act in operation

### **Land (Plantation Areas) Act 1959, No. 6521/1959**

*Assent Date:* 12.5.59  
*Commencement Date:* 22.6.60: Government Gazette 22.6.60 p. 2083  
*Current State:* All of Act in operation

### **Land (Public Authorities) Act 1960, No. 6612/1960**

*Assent Date:* 3.5.60  
*Commencement Date:* 3.5.60  
*Current State:* All of Act in operation

### **Land (North-West Mallee Settlement Areas) Act 1961, No. 6746/1961**

*Assent Date:* 18.4.61  
*Commencement Date:* 18.4.61  
*Current State:* All of Act in operation

### **Land (Unused Roads and Water Frontages) Act 1961, No. 6794/1961**

*Assent Date:* 8.11.61  
*Commencement Date:* 1.4.63: Government Gazette 20.3.63 p. 620  
*Current State:* All of Act in operation

### **Crown Leases Act 1961, No. 6842/1961**

*Assent Date:* 19.12.61  
*Commencement Date:* 19.12.61  
*Current State:* All of Act in operation

### **Land (Industrial Grants) Act 1962, No. 6860/1962**

*Assent Date:* 16.4.62  
*Commencement Date:* 16.4.62  
*Current State:* All of Act in operation

**Statute Law Revision Act 1962, No. 6867/1962**

*Assent Date:* 16.4.62  
*Commencement Date:* 16.4.62  
*Current State:* All of Act in operation

**Subordinate Legislation Act 1962, No. 6886/1962**

*Assent Date:* 8.5.62  
*Commencement Date:* 1.8.62: Government Gazette 4.7.62 p. 2314  
*Current State:* All of Act in operation

**Land (Amendment) Act 1963, No. 7048/1963**

*Assent Date:* 19.11.63  
*Commencement Date:* 19.11.63  
*Current State:* All of Act in operation

**Land (Surrender by Trustees) Act 1963, No. 7075/1963**

*Assent Date:* 10.12.63  
*Commencement Date:* 10.12.63  
*Current State:* All of Act in operation

**Public Lands and Works Act 1964, No. 7228/1964** (as amended by No. 7332)

*Assent Date:* 15.12.64  
*Commencement Date:* 15.3.65: Government Gazette 11.3.65 p. 557  
*Current State:* All of Act in operation

**National Parks (Amendment) Act 1965, No. 7275/1965**

*Assent Date:* 1.6.65  
*Commencement Date:* 1.6.65  
*Current State:* All of Act in operation

**Decimal Currency Act 1965, No. 7315/1965**

*Assent Date:* 30.11.65  
*Commencement Date:* 30.11.65 but "Appointed day" is 14.2.66  
*Current State:* All of Act in operation

**Statute Law Revision Act 1965, No. 7332/1965**

*Assent Date:* 14.12.65  
*Commencement Date:* 14.12.65: subject to s. 3  
*Current State:* All of Act in operation

**Survey Co-ordination (Place Names) Act 1965, No. 7360/1965**

*Assent Date:* 21.12.65  
*Commencement Date:* 2.5.66: Government Gazette 27.4.66 p. 1325  
*Current State:* All of Act in operation

**Land (Plantation Areas) Act 1966, No. 7395/1966**

*Assent Date:* 10.5.66  
*Commencement Date:* 10.5.66  
*Current State:* All of Act in operation

**Extractive Industries Act 1966, No. 7499/1966**

*Assent Date:* 20.12.66  
*Commencement Date:* 15.5.68: Government Gazette 10.4.68 p. 1129  
*Current State:* All of Act in operation

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**Land (Amendment) Act 1967, No. 7548/1967**

*Assent Date:* 17.3.67  
*Commencement Date:* 17.3.67  
*Current State:* All of Act in operation

**Land (Committees of Management) Act 1967, No. 7623/1967**

*Assent Date:* 12.12.67  
*Commencement Date:* 12.12.67  
*Current State:* All of Act in operation

**Abolition of Bailiwicks Act 1968, No. 7703/1968**

*Assent Date:* 15.10.68  
*Commencement Date:* 1.1.69: Government Gazette 4.12.68 p. 3920  
*Current State:* All of Act in operation

**County Court (Jurisdiction) Act 1968, No. 7705/1968**

*Assent Date:* 15.10.68  
*Commencement Date:* 1.1.69: Government Gazette 4.12.68 p. 3919  
*Current State:* All of Act in operation

**Fences Act 1968, No. 7733/1968**

*Assent Date:* 2.12.68  
*Commencement Date:* 1.3.69: Government Gazette 5.2.69 p. 238  
*Current State:* All of Act in operation

**Land (Special Land) Act 1968, No. 7783/1968**

*Assent Date:* 18.12.68  
*Commencement Date:* 18.12.68  
*Current State:* All of Act in operation

**Mines (Abolition of Courts) Act 1969, No. 7840/1969**

*Assent Date:* 20.5.69  
*Commencement Date:* 20.5.69  
*Current State:* All of Act in operation

**Groundwater Act 1969, No. 7849/1969**

*Assent Date:* 20.5.69  
*Commencement Date:* 1.9.70: Government Gazette 19.8.70 p. 2827  
*Current State:* All of Act in operation

**Justices (Amendment) Act 1969, No. 7876/1969**

*Assent Date:* 25.11.69  
*Commencement Date:* All of Act (*except* ss 3, 5–7(k)(m)–(o)) on 1.4.70; ss 3, 5–7(k)(m)–(o) on 1.7.70: Government Gazette 25.2.70 p. 463  
*Current State:* All of Act in operation

**Land Conservation Act 1970, No. 8008/1970**

*Assent Date:* 24.11.70  
*Commencement Date:* 15.2.71: Government Gazette 9.12.70 p. 3816  
*Current State:* All of Act in operation

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**Land (Amendment) Act 1970, No. 8060/1970**

*Assent Date:* 22.12.70  
*Commencement Date:* 1.2.71: Government Gazette 27.1.71 p. 201  
*Current State:* All of Act in operation

**State Development Act 1970, No. 8081/1970**

*Assent Date:* 22.12.70  
*Commencement Date:* 15.3.71: Government Gazette 11.3.71 p. 629  
*Current State:* All of Act in operation

**Land (Surrender to the Crown) Act 1971, No. 8130/1971**

*Assent Date:* 4.5.71  
*Commencement Date:* 4.5.71  
*Current State:* All of Act in operation

**Statute Law Revision Act 1971, No. 8181/1971**

*Assent Date:* 23.11.71  
*Commencement Date:* 23.11.71  
*Current State:* All of Act in operation

**Land (Surrenders) Act 1971, No. 8205/1971**

*Assent Date:* 7.12.71  
*Commencement Date:* 4.5.71: s. 1(3)  
*Current State:* All of Act in operation

**Land (Amendment) Act 1971, No. 8207/1971**

*Assent Date:* 14.12.71  
*Commencement Date:* 14.12.71  
*Current State:* All of Act in operation

**Land (Greyhound Racing) Act 1972, No. 8243/1972**

*Assent Date:* 28.3.72  
*Commencement Date:* 28.3.72  
*Current State:* All of Act in operation

**Land (Residence Areas) Act 1972, No. 8304/1972**

*Assent Date:* 24.10.72  
*Commencement Date:* 1.12.72: Government Gazette 29.11.72 p. 3740  
*Current State:* All of Act in operation

**Land (Jetties and Marinas) Act 1972, No. 8310/1972**

*Assent Date:* 1.11.72  
*Commencement Date:* 1.11.72  
*Current State:* All of Act in operation

**Railways (Amendment) Act 1972, No. 8353/1972**

*Assent Date:* 13.12.72  
*Commencement Date:* 8.5.73: Government Gazette 2.5.73 p. 946  
*Current State:* All of Act in operation

**Surrender of Land Act 1972, No. 8363/1972**

*Assent Date:* 19.12.72  
*Commencement Date:* 19.12.72  
*Current State:* All of Act in operation

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**Land (Crown Bailiffs) Act 1972, No. 8367/1972**

*Assent Date:* 19.12.72  
*Commencement Date:* 19.12.72  
*Current State:* All of Act in operation

**Land (Metric Conversion) Act 1973, No. 8461/1973**

*Assent Date:* 7.11.73  
*Commencement Date:* 1.5.74: Government Gazette 19.4.74 p. 952  
*Current State:* All of Act in operation

**Land Act 1973, No. 8492/1973**

*Assent Date:* 4.12.73  
*Commencement Date:* 4.12.73  
*Current State:* All of Act in operation

**Land (Amendment) Act 1974, No. 8652/1974**

*Assent Date:* 17.12.74  
*Commencement Date:* 17.12.74  
*Current State:* All of Act in operation

**National Parks Act 1975, No. 8702/1975**

*Assent Date:* 16.5.75  
*Commencement Date:* 1.12.75: Government Gazette 26.11.75 p. 3888  
*Current State:* All of Act in operation

**Land Act 1975, No. 8763/1975** (as amended by No. 9126)

*Assent Date:* 18.11.75  
*Commencement Date:* 1.1.76: Government Gazette 17.12.75 p. 4061  
*Current State:* All of Act in operation

**Land (Surrender of Lands) Act 1976, No. 8839/1976**

*Assent Date:* 1.6.76  
*Commencement Date:* 1.6.76  
*Current State:* All of Act in operation

**Land (Surrender of Lands) Act 1977, No. 8996/1977**

*Assent Date:* 10.5.77  
*Commencement Date:* 10.5.77  
*Current State:* All of Act in operation

**Statute Law Revision Act 1977, No. 9019/1977**

*Assent Date:* 17.5.77  
*Commencement Date:* 17.5.77: subject to s. 2(2)  
*Current State:* All of Act in operation

**Land (Lands Surrender) Act 1977, No. 9026/1977**

*Assent Date:* 27.9.77  
*Commencement Date:* 27.9.77  
*Current State:* All of Act in operation

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**Youth, Sport and Recreation (State Recreation Council) Act 1977, No. 9057/1977**

*Assent Date:* 29.11.77  
*Commencement Date:* Ss 1–5, 7 on 1.8.78: Government Gazette 27.7.78  
p. 2493; ss 6, 8 on 10.9.78: Government Gazette  
30.8.78 p. 2802  
*Current State:* All of Act in operation

**Statute Law Revision Act 1977, No. 9059/1977**

*Assent Date:* 29.11.77  
*Commencement Date:* 29.11.77: subject to s. 2(2)  
*Current State:* All of Act in operation

**Age of Majority Act 1977, No. 9075/1977**

*Assent Date:* 6.12.77  
*Commencement Date:* 1.2.78: Government Gazette 11.1.78 p. 97  
*Current State:* All of Act in operation

**Land (Amendment) Act 1978, No. 9102/1978**

*Assent Date:* 9.5.78  
*Commencement Date:* S. 4 on 9.5.78: s. 1(3); rest of Act on 1.7.78:  
Government Gazette 14.6.78 p. 1644  
*Current State:* All of Act in operation

**Land (Amendment) Act 1978, No. 9183/1978**

*Assent Date:* 21.11.78  
*Commencement Date:* 1.12.78: Government Gazette 29.11.78 p. 3677  
*Current State:* All of Act in operation

**Crown Land (Reserves) Act 1978, No. 9212/1978**

*Assent Date:* 19.12.78  
*Commencement Date:* 1.3.79: Government Gazette 21.2.79 p. 441  
*Current State:* All of Act in operation

**Railway Construction and Property Board Act 1979, No. 9345/1979**

*Assent Date:* 20.12.79  
*Commencement Date:* 22.2.80: Government Gazette 20.2.80 p. 571  
*Current State:* All of Act in operation

**Crown Land (Mineral Springs) Act 1980, No. 9380/1980**

*Assent Date:* 6.5.80  
*Commencement Date:* 1.9.80: Government Gazette 16.7.80 p. 2419  
*Current State:* All of Act in operation

**Statute Law Revision Act 1980, No. 9427/1980**

*Assent Date:* 27.5.80  
*Commencement Date:* 27.5.80: Subject to s. 6(2)  
*Current State:* All of Act in operation

**Land (Amendment) Act 1981, No. 9528/1981**

*Assent Date:* 23.4.81  
*Commencement Date:* 23.4.81  
*Current State:* All of Act in operation

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**Economic Development Act 1981, No. 9567/1981**

*Assent Date:* 19.5.81  
*Commencement Date:* S. 4 on 10.3.81: s. 4(2); rest of Act on 1.7.81:  
Government Gazette 3.6.81 p. 1778  
*Current State:* All of Act in operation

**Land (Further Amendment) Act 1981, No. 9705/1981**

*Assent Date:* 5.1.82  
*Commencement Date:* 5.1.82  
*Current State:* All of Act in operation

**Closer Settlement (Winding-up) Act 1982, No. 9798/1982**

*Assent Date:* 23.11.82  
*Commencement Date:* 23.11.82  
*Current State:* All of Act in operation

**Land (Amendment) Act 1982, No. 9805/1982**

*Assent Date:* 7.12.82  
*Commencement Date:* 7.12.82  
*Current State:* All of Act in operation

**Victorian College of Agriculture and Horticulture Act 1982, No. 9812/1982**

*Assent Date:* 14.12.82  
*Commencement Date:* 22.12.82: Government Gazette 22.12.82 p. 4133;  
Appointed day is 8.3.83: Government Gazette 23.2.83  
p. 426  
*Current State:* All of Act in operation

**Public Account (Trust Funds) Act 1982, No. 9861/1982**

*Assent Date:* 5.1.83  
*Commencement Date:* 12.1.83: Government Gazette 12.1.83 p. 81  
*Current State:* All of Act in operation

**Statute Law Revision Act 1983, No. 9902/1983**

*Assent Date:* 15.6.83  
*Commencement Date:* 15.6.83: subject to s. 2(2)  
*Current State:* All of Act in operation

**Transport Act 1983, No. 9921/1983**

*Assent Date:* 23.6.83  
*Commencement Date:* S. 255 on 1.7.83: s. 1(2)(c)  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Land (Amendment) Act 1983, No. 10011/1983**

*Assent Date:* 13.12.83  
*Commencement Date:* 13.12.83  
*Current State:* All of Act in operation

**Statute Law Revision Act 1984, No. 10087/1984**

*Assent Date:* 22.5.84  
*Commencement Date:* 22.5.84: subject to s. 3(2)  
*Current State:* All of Act in operation

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**Courts Amendment Act 1986, No. 16/1986**

*Assent Date:* 22.4.86  
*Commencement Date:* S. 30 on 1.7.86: Government Gazette 25.6.86 p. 2180  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Land (Miscellaneous Matters) Act 1986, No. 36/1986**

*Assent Date:* 20.5.86  
*Commencement Date:* 20.5.86  
*Current State:* All of Act in operation

**Mental Health Act 1986, No. 59/1986**

*Assent Date:* 3.6.86  
*Commencement Date:* Ss 1–3, 21, 23, Sch. 1 on 19.6.87: Government Gazette 17.6.87 p. 1538; rest of Act on 1.10.87: Government Gazette 30.9.87 p. 2585  
*Current State:* All of Act in operation

**Supreme Court Act 1986, No. 110/1986**

*Assent Date:* 16.12.86  
*Commencement Date:* 1.1.87: s. 2  
*Current State:* All of Act in operation

**Land Acquisition and Compensation Act 1986, No. 121/1986**

*Assent Date:* 23.12.86  
*Commencement Date:* 29.11.87: Government Gazette 25.11.87 p. 3224  
*Current State:* All of Act in operation

**Land (Amendment and Miscellaneous Matters) Act 1986, No. 122/1986**

*Assent Date:* 23.12.86  
*Commencement Date:* 23.12.86  
*Current State:* All of Act in operation

**Conservation, Forests and Lands Act 1987, No. 41/1987**

*Assent Date:* 19.5.87  
*Commencement Date:* S. 103(Sch. 4 items 39.1–39.67) on 1.7.87: Government Gazette 24.6.87 p. 1694  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Planning and Environment Act 1987, No. 45/1987**

*Assent Date:* 27.5.87  
*Commencement Date:* S. 205(Sch. item 39) on 16.2.88: Government Gazette 10.2.88 p. 218  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**State Trust Corporation of Victoria Act 1987, No. 55/1987**

*Assent Date:* 20.10.87  
*Commencement Date:* 2.11.87: Government Gazette 28.10.87 p. 2925  
*Current State:* All of Act in operation

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**Land (Amendment and Miscellaneous Matters) Act 1987, No. 75/1987**

*Assent Date:* 24.11.87  
*Commencement Date:* 24.11.87  
*Current State:* All of Act in operation

**Rural Finance Act 1988, No. 44/1988**

*Assent Date:* 24.5.88  
*Commencement Date:* 1.7.88: Government Gazette 29.6.88 p. 1896  
*Current State:* All of Act in operation

**Transfer of Land (Computer Register) Act 1989, No. 18/1989**

*Assent Date:* 16.5.89  
*Commencement Date:* 3.2.92: Government Gazette 18.12.91 p. 3488  
*Current State:* All of Act in operation

**Transport (Amendment) Act 1989, No. 44/1989**

*Assent Date:* 6.6.89  
*Commencement Date:* Ss 16, 39(3), Sch. 2 items 42.1, 42.11, 42.12 on 6.6.89: s. 2(2); s. 32(2) on 16.12.86: s. 2(3); s. 42(1) on 1.11.89: s. 2(4) on 1.11.89: s. 2(5); s. 42(3) on 11.11.89: s. 2(6); rest of Act on 1.7.89: s. 2(1)  
*Current State:* All of Act in operation

**Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989**

*Assent Date:* 14.6.89  
*Commencement Date:* S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette 30.8.89 p. 2210; rest of Act on 1.9.90: Government Gazette 25.7.90 p. 2217  
*Current State:* All of Act in operation

**Water Act 1989, No. 80/1989**

*Assent Date:* 5.12.89  
*Commencement Date:* S. 328 on 5.12.89: s. 2(2); s. 329 on 6.7.88: s. 2(3); rest of Act (*except* Sch. 13 items 10, 23, 24) on 1.11.90: Government Gazette 15.8.90 p. 2473; Sch. 13 items 10, 23, 24 on 1.9.91: s. 2(1)  
*Current State:* All of Act in operation

**Water (Consequential Amendments) Act 1989, No. 81/1989**

*Assent Date:* 5.12.89  
*Commencement Date:* 1.11.90: Government Gazette 15.8.90 p. 2473  
*Current State:* All of Act in operation

**Conservation, Forests and Lands Acts (Amendment) Act 1989, No. 90/1989**

*Assent Date:* 5.12.89  
*Commencement Date:* Pts 1, 2, 4; ss 9, 16, 17 on 5.12.89; Pt 3 (*except* s. 9) on 16.11.89: s. 2(2); s. 18(2) on 19.4.88: s. 2(3); ss 11–15, 18(1) on 3.10.90: Special Gazette (No. 47) 3.10.90 p. 1  
*Current State:* All of Act in operation

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**Local Government (Amendment) Act 1990, No. 13/1990**

*Assent Date:* 8.5.90  
*Commencement Date:* Ss 1, 2, 6, 31, 39(2), 40–42, 44–46 on 8.5.90; ss 23, 37, 38, 39(1)(3) on 9.5.89: s. 2(2)(b); ss 3–5, 7–22, 24–30, 32–36, 43 on 8.5.90: Special Gazette (No. 20) 8.5.90 p. 1  
*Current State:* All of Act in operation

**Mineral Resources Development Act 1990, No. 92/1990**

*Assent Date:* 18.12.90  
*Commencement Date:* S. 128(Sch. 1 items 13.1–13.15) on 6.11.91: Government Gazette 30.10.91 p. 2970  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Subdivision (Miscellaneous Amendments) Act 1991, No. 48/1991**

*Assent Date:* 25.6.91  
*Commencement Date:* S. 77(1) on 25.6.91: s. 2(4)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Land (Crown Grants and Reserves) Act 1993, No. 5/1993**

*Assent Date:* 27.4.93  
*Commencement Date:* All of Act on 9.4.92: s. 2  
*Current State:* All of Act in operation

**Land (Miscellaneous Matters) Act 1993, No. 27/1993**

*Assent Date:* 25.5.93  
*Commencement Date:* All of Act (except s. 5) on 25.5.93: s. 2(2); s. 5 on 31.3.94: Government Gazette 31.3.94 p. 771  
*Current State:* All of Act in operation

**Land (Amendment) Act 1993, No. 28/1993**

*Assent Date:* 25.5.93  
*Commencement Date:* 25.5.93  
*Current State:* All of Act in operation

**Crown Land Acts (Amendment) Act 1993, No. 48/1993**

*Assent Date:* 1.6.93  
*Commencement Date:* 1.6.93  
*Current State:* All of Act in operation

**Land (Further Amendment) Act 1993, No. 79/1993**

*Assent Date:* 3.11.93  
*Commencement Date:* 3.11.93  
*Current State:* All of Act in operation

**Building Act 1993, No. 126/1993**

*Assent Date:* 14.12.93  
*Commencement Date:* S. 264(Sch. 5 item 11) on 1.7.94: Special Gazette (No. 42) 1.7.94 p. 1  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

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**Electricity Industry Act 1993, No. 130/1993**

*Assent Date:* 14.12.93  
*Commencement Date:* S. 122(Sch. 4 item 8) on 3.1.94: Special Gazette (No. 97) 23.12.93 p. 1  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Land (Further Miscellaneous Matters) Act 1994, No. 6/1994**

*Assent Date:* 27.4.94  
*Commencement Date:* S. 11 on 24.11.87: s. 2(1); rest of Act on 27.4.94: s. 2(2)  
*Current State:* All of Act in operation

**Financial Management Act 1994, No. 18/1994**

*Assent Date:* 10.5.94  
*Commencement Date:* S. 66(Sch. 2 items 10.1–10.3) on 1.7.94: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Financial Management (Consequential Amendments) Act 1994, No. 31/1994**

*Assent Date:* 31.5.94  
*Commencement Date:* S. 3(Sch. 1 item 36) on 7.7.94: Government Gazette 7.7.94 p. 1878—see **Interpretation of Legislation Act 1984**  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Catchment and Land Protection Act 1994, No. 52/1994**

*Assent Date:* 15.6.94  
*Commencement Date:* S. 97(Sch. 3 items 16.1–16.23) on 15.12.94: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Financial Management (Amendment) Act 1994, No. 75/1994**

*Assent Date:* 22.11.94  
*Commencement Date:* S. 7(6) on 10.5.94: s. 2(1); rest of Act on 1.1.95: s. 2(2)  
*Current State:* All of Act in operation

**Impounding of Livestock Act 1994, No. 89/1994**

*Assent Date:* 6.12.94  
*Commencement Date:* 6.12.94  
*Current State:* All of Act in operation

**Crown Lands Acts (Amendment) Act 1994, No. 96/1994** (as amended by No. 73/1996)

*Assent Date:* 13.12.94  
*Commencement Date:* Pt 1 (ss 1, 2) on 13.12.94: s. 2(1); rest of Act on 26.1.95: Government Gazette 26.1.95 p. 163  
*Current State:* All of Act in operation

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**Port Services Act 1995, No. 82/1995**

*Assent Date:* 28.11.95  
*Commencement Date:* S. 205 on 14.12.95: Government Gazette 14.12.95 p. 3488—see **Interpretation of Legislation Act 1984**  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Legal Practice Act 1996, No. 35/1996**

*Assent Date:* 6.11.96  
*Commencement Date:* S. 453(Sch. 1 item 44) on 1.1.97: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Electricity Industry (Further Amendment) Act 1996, No. 48/1996**

*Assent Date:* 26.11.96  
*Commencement Date:* 26.11.96  
*Current State:* All of Act in operation

**Electricity Industry (Further Miscellaneous Amendment) Act 1997, No. 55/1997**

*Assent Date:* 21.10.97  
*Commencement Date:* S. 28 on 21.10.97: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Port Services (Amendment) Act 1997, No. 63/1997**

*Assent Date:* 5.11.97  
*Commencement Date:* S. 10(4)(Sch. item 2) on 10.12.97: Government Gazette 4.12.97 p. 3290  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Rail Corporations (Amendment) Act 1997, No. 104/1997**

*Assent Date:* 16.12.97  
*Commencement Date:* S. 49 on 31.3.98: Special Gazette (No. 23) 31.3.98 p. 1  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Electricity Safety Act 1998, No. 25/1998**

*Assent Date:* 12.5.98  
*Commencement Date:* S. 169 on 1.7.98: Special Gazette (No. 65) 30.6.98 p. 2  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998**

*Assent Date:* 26.5.98  
*Commencement Date:* S. 7(Sch. 1) on 1.7.98: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

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**Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998,  
No. 52/1998**

*Assent Date:* 2.6.98  
*Commencement Date:* S. 311(Sch. 1 item 46) on 1.7.98: Government Gazette  
18.6.98 p. 1512  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998,  
No. 76/1998**

*Assent Date:* 10.11.98  
*Commencement Date:* S. 11 on 15.12.98: s. 2(5)  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Transfer of Land (Single Register) Act 1998, No. 85/1998**

*Assent Date:* 17.11.98  
*Commencement Date:* S. 24(Sch. item 35) on 1.1.99: s. 2(3)  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Transport (Amendment) Act 2000, No. 30/2000**

*Assent Date:* 30.5.00  
*Commencement Date:* 31.5.00: s. 2  
*Current State:* All of Act in operation

**Electricity Industry Legislation (Miscellaneous Amendments) Act 2000,  
No. 69/2000**

*Assent Date:* 21.11.00  
*Commencement Date:* S. 55 on 1.1.01: s. 2(4)  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Statute Law Revision Act 2000, No. 74/2000**

*Assent Date:* 21.11.00  
*Commencement Date:* S. 3(Sch. 1 item 66.1) on 15.12.98: s. 2(2)(m);  
s. 3(Sch. 1 items 66.2, 66.3) on 22.11.00: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Statute Law Amendment (Relationships) Act 2001, No. 27/2001**

*Assent Date:* 12.6.01  
*Commencement Date:* S. 3(Sch. 1 item 4) on 28.6.01: Government Gazette  
28.6.01 p. 1428  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Transfer of Land (Amendment) Act 2001, No. 49/2001**

*Assent Date:* 27.6.01  
*Commencement Date:* S. 10 on 28.6.01: s. 2  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

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**Statute Law (Further Revision) Act 2002, No. 11/2002**

*Assent Date:* 23.4.02  
*Commencement Date:* S. 3(Sch. 1 item 39) on 24.4.02: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Port Services (Port of Melbourne Reform) Act 2003, No. 23/2003**

*Assent Date:* 13.5.03  
*Commencement Date:* S. 27 on 3.11.03: Government Gazette 30.10.03 p. 2744  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Port Services (Port Management Reform) Act 2003, No. 85/2003**

*Assent Date:* 11.11.03  
*Commencement Date:* S. 33 on 1.4.04: Government Gazette 1.4.04 p. 714  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Monetary Units Act 2004, No. 10/2004**

*Assent Date:* 11.5.04  
*Commencement Date:* S. 15(Sch. 1 item 14) on 1.7.04: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Road Management Act 2004, No. 12/2004**

*Assent Date:* 11.5.04  
*Commencement Date:* Ss 160, 161 on 1.7.04: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Sustainable Forests (Timber) Act 2004, No. 48/2004**

*Assent Date:* 16.6.04  
*Commencement Date:* S. 135 on 17.6.04: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Mineral Resources Development (Sustainable Development) Act 2006, No. 63/2006**

*Assent Date:* 29.8.06  
*Commencement Date:* S. 61(Sch. item 19) on 30.8.06: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Water (Governance) Act 2006, No. 85/2006**

*Assent Date:* 17.10.06  
*Commencement Date:* S. 173(Sch. 1 item 2) on 1.7.07: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Relationships Act 2008, No. 12/2008**

*Assent Date:* 15.4.08  
*Commencement Date:* S. 73(1)(Sch. 1 item 33) on 1.12.08: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Relationships Amendment (Caring Relationships) Act 2009, No. 4/2009**

*Assent Date:* 10.2.09  
*Commencement Date:* S. 37(Sch. 1 item 15) on 1.12.09: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Crown Land Acts Amendment (Lease and Licence Terms) Act 2009, No. 40/2009**

*Assent Date:* 5.8.09  
*Commencement Date:* Ss 26–29, 31, 32, 34 on 6.8.09: s. 2(1); ss 25, 30, 33 on 1.7.11: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009, No. 68/2009**

*Assent Date:* 24.11.09  
*Commencement Date:* S. 97(Sch. item 74) on 1.1.10: Government Gazette 10.12.09 p. 3215  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009, No. 82/2009**

*Assent Date:* 8.12.09  
*Commencement Date:* S. 40 on 1.1.10: Government Gazette 17.12.09 p. 3338  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Consumer Affairs Legislation Amendment Act 2010, No. 1/2010**

*Assent Date:* 9.2.10  
*Commencement Date:* S. 90 on 1.8.10: Government Gazette 22.7.10 p. 1628  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Transport Integration Act 2010, No. 6/2010 (as amended by No. 45/2010)**

*Assent Date:* 2.3.10  
*Commencement Date:* Ss 25(5)(Sch. 2 item 5), 203(1)(Sch. 6 item 27) on 1.7.10: Special Gazette (No. 256) 30.6.10 p. 1  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Traditional Owner Settlement Act 2010, No. 62/2010**

*Assent Date:* 21.9.10  
*Commencement Date:* Ss 121–123 on 23.9.10: Special Gazette (No. 382) 22.9.10 p. 1  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

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**Statute Law Revision Act 2011, No. 29/2011**

*Assent Date:* 21.6.11  
*Commencement Date:* S. 3(Sch. 1 item 50) on 22.6.11: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Statute Law Revision Act 2012, No. 43/2012**

*Assent Date:* 27.6.12  
*Commencement Date:* S. 3(Sch. item 25) on 28.6.12: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Forests Amendment Act 2012, No. 46/2012**

*Assent Date:* 21.8.12  
*Commencement Date:* S. 21 on 1.9.12: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Mental Health Act 2014, No. 26/2014**

*Assent Date:* 8.4.14  
*Commencement Date:* S. 455(Sch. item 18) on 1.7.14: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Fences Amendment Act 2014, No. 30/2014**

*Assent Date:* 15.4.14  
*Commencement Date:* S. 14 on 22.9.14: Special Gazette (No. 317) 16.9.14 p. 1  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014**

*Assent Date:* 3.6.14  
*Commencement Date:* S. 10(Sch. item 92) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Filming Approval Act 2014, No. 51/2014**

*Assent Date:* 12.8.14  
*Commencement Date:* S. 9(Sch. 2 item 6) on 1.3.15: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Water Amendment (Flood Mitigation) Act 2014, No. 53/2014**

*Assent Date:* 12.8.14  
*Commencement Date:* Ss. 11, 12 on 1.3.15: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

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**Emergency Management (Control of Response Activities and Other Matters) Act 2015, No. 43/2015**

*Assent Date:* 22.9.15  
*Commencement Date:* S. 37 on 19.9.16: Special Gazette (No. 284) 13.9.16 p. 1  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Justice Legislation Further Amendment Act 2016, No. 3/2016**

*Assent Date:* 16.2.16  
*Commencement Date:* S. 89 on 1.5.16: Special Gazette (No. 114) 26.4.16 p. 1  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Act 2016, No. 10/2016**

*Assent Date:* 22.3.16  
*Commencement Date:* Ss 172, 173 on 7.6.16: Special Gazette (No. 177) 7.6.16 p. 1; s. 179(Sch. 1 item 3) on 1.11.16: Special Gazette (No. 325) 25.10.16 p. 1  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016, No. 12/2016**

*Assent Date:* 5.4.16  
*Commencement Date:* Ss 14–18 on 1.12.16: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Crown Land Legislation Amendment Act 2016, No. 51/2016**

*Assent Date:* 18.10.16  
*Commencement Date:* Ss 16–28 on 19.10.16: s. 2  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Traditional Owner Settlement Amendment Act 2016, No. 67/2016**

*Assent Date:* 15.11.16  
*Commencement Date:* S. 32 on 1.5.17: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Victorian Fisheries Authority Act 2016, No. 68/2016**

*Assent Date:* 15.11.16  
*Commencement Date:* S. 167 on 1.7.17: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

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**Parks and Crown Land Legislation Amendment Act 2017, No. 53/2017**

*Assent Date:* 24.10.17  
*Commencement Date:* S. 79 on 15.12.17: Special Gazette (No. 433) 12.12.17  
p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Oaths and Affirmations Act 2018, No. 6/2018**

*Assent Date:* 27.2.18  
*Commencement Date:* S. 68(Sch. 2 item 75) on 1.3.19: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Parks Victoria Act 2018, No. 19/2018**

*Assent Date:* 5.6.18  
*Commencement Date:* Ss 136–152 on 12.9.18: Special Gazette (No. 386)  
21.8.18 p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Justice Legislation Amendment (Family Violence Protection and Other Matters)  
Act 2018, No. 33/2018**

*Assent Date:* 14.8.18  
*Commencement Date:* S. 93 on 31.7.19: Special Gazette (No. 306) 30.7.19  
p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Guardianship and Administration Act 2019, No. 13/2019**

*Assent Date:* 4.6.19  
*Commencement Date:* S. 221(Sch. 1 item 25) on 1.3.20: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Primary Industries Legislation Amendment Act 2019, No. 40/2019**

*Assent Date:* 6.11.19  
*Commencement Date:* S. 102 on 1.2.20: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Parks and Crown Land Legislation Amendment Act 2020, No. 40/2020**

*Assent Date:* 1.12.20  
*Commencement Date:* Ss 35–48, 50–59 on 15.12.20: Special Gazette  
(No. 666) 15.12.20 p. 1; s. 49 on 1.9.21: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

**Great Ocean Road and Environs Protection Amendment Act 2021, No. 42/2021**

*Assent Date:* 19.10.21  
*Commencement Date:* Ss 85–97 on 1.9.22: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Land Act 1958**

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**Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Act 2022, No. 1/2022**

*Assent Date:* 15.2.22  
*Commencement Date:* S. 100 on 29.3.22: Special Gazette (No. 157) 29.3.22 p. 1  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

**Transport Legislation Amendment (Port Reforms and Other Matters) Act 2022, No. 19/2022**

*Assent Date:* 24.5.22  
*Commencement Date:* S. 92 on 1.7.22: Government Gazette 23.6.22 p. 2737  
*Current State:* This information relates only to the provision/s amending the **Land Act 1958**

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### 3 Explanatory details

<sup>1</sup> S. 55(1)(f): See sections 34, 35.

<sup>2</sup> S. 57: See section 196.

<sup>3</sup> Ss 62–69:

Ss 62–64 repealed by No. 96/1994 s. 20 (as amended by No. 73/1996 s. 11).

S. 65 substituted by No. 18/1989 s. 13(Sch. 2 item 41(d)), repealed by No. 96/1994 s. 20 (as amended by No. 73/1996 s. 11).

S. 66 repealed by No. 96/1994 s. 20 (as amended by No. 73/1996 s. 11).

S. 67 amended by No. 7228 s. 7(Sch. 4 Pt 19(m)), repealed by No. 96/1994 s. 20 (as amended by No. 73/1996 s. 11).

S. 68 amended by Nos 7228 s. 7(Sch. 4 Pt 19(m)), 18/1989 s. 13(Sch. 2 item 41(e)), repealed by No. 96/1994 s. 20 (as amended by No. 73/1996 s. 11).

S. 69 repealed by No. 7548 s. 8(2)(a).

<sup>4</sup> Pt 1 Div. 4 Subdiv. 5:

Pt 1 Div. 4 Subdiv. 5 (Heading and ss 70–84) amended by Nos 6505 s. 2, 7228 s. 7(Sch. 4 Pt 19(n)(o)), 7332 s. 2(Sch. 1 items 34, 35), 8060 s. 2(1), 8181 s. 2(1)(Sch. item 92), 10087 s. 3(1)(Sch. 1 item 127), 41/1987 s. 103(Sch. 4 items 39.11, 39.12), 55/1987 s. 57(3)(Sch. 5 item 33), 18/1989 s. 13(Sch. 2 item 41(f)), 92/1990 s. 128(Sch. 1 item 13.2), 52/1994 s. 97(Sch. 3 item 16.5), repealed by No. 96/1994 s. 20 (as amended by No. 73/1996 s. 11).

<sup>5</sup> Pt 1 Div. 5:

Pt 1 Div. 5 (Heading and ss 85–88) amended by Nos 7228 s. 7(Sch. 4 Pt 19(p)), 8181 s. 2(1)(Sch. item 93), 8461 ss 13–15, 10087 s. 3(1)(Sch. 1 item 126), repealed by No. 96/1994 s. 22.

<sup>6</sup> Pt 1 Div. 9 Subdiv. 2: See section 199.

<sup>7</sup> S. 335: Section 25(2) of the **State Electricity Commission Act 1958**, No. 6377 (as amended by No. 130/1993) reads as follows:

#### **25 Leases and licences under Land Act 1958**

- (2) Every lease or licence granted under Part VIII of the **Land Act 1958** may contain such further covenants terms conditions and restrictions as the Governor in Council on the recommendation of the Commission or an electricity corporation

thinks fit; and every such lease or licence and the lessee or licensee and the executors administrators and assigns of every such lessee or licensee shall be subject to any regulations made under this Act so far as the same are applicable.

<sup>8</sup> S. 340: See the **Mineral Resources (Sustainable Development) Act 1990**, No. 92/1990.

<sup>9</sup> S. 368(1): For fee, see the Sixteenth Schedule.