

Version No. 003
Land Act Regulations 1996

S.R. No. 79/1996

Version incorporating amendments as at 1 July 2004

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1. Objectives

The objectives of these Regulations are to—

- (a) provide for the management of commons;
and
- (b) restrict the activities of the public on licensed water frontages; and
- (c) prescribe forms for the purposes of the Act;
and
- (d) provide for the fees payable in respect of applications, registrations, discharges, transfers, assignments and the grant or issue of leases, licences, Crown grants, permits, rights and other instruments under the Act;
and
- (e) provide for other matters for the purposes of the Act.

2. Authorising provisions

These Regulations are made under sections 22C, 181, 182, 188A, 400, 401A and 413 of the **Land Act 1958**.

3. Definitions

In these Regulations—

"Act" means the **Land Act 1958**;

"licensed land" means any water frontage held under a licence—

- (a) under Division 8 of Part 1 of the Act; or
- (b) to which Section 43(1) of the **Crown Lands Acts (Amendment) Act 1995** applies;

"manager" means a manager of a common appointed under section 182 of the Act;

"pest animals" has the same meaning as in the **Catchment and Land Protection Act 1994**;

"Secretary" means the body corporate established under Part 2 of the **Conservation, Forests and Lands Act 1987**.

4. Management of commons

- (1) A manager must ensure that—
 - (a) proper books of account detailing all financial dealings relating to the common are kept; and
 - (b) details of the description of cattle depastured on the common are kept; and
 - (c) no later than one month after 31 December in each year there is forwarded to the Secretary a certified account of the financial receipts and expenditure in relation to the common.
- (2) A manager may impose and collect such reasonable fees as are determined by the Minister, for depasturing cattle on a common.

- (3) A manager of a common may—
- (a) appoint a herdsman to—
 - (i) control cattle on the common; and
 - (ii) to carry out any other duties for the effective management of the common as directed by the manager; and
 - (b) expend money derived from the payment of fees on payments for—
 - (i) the services of herdsman for the common; and
 - (ii) the eradication of pest animals and noxious weeds on the common; and
 - (iii) the construction of fencing and the improvement of pastures on the common; and
 - (iv) the provision of water supply on the common; and
 - (v) the purchase and maintenance of any plant, equipment and other materials needed for the efficient management of the common; and
 - (vi) any other services relating to the management of the common.

5. Water frontages

- (1) For the purposes of section 401A of the Act, a person must not, on licensed land—
- (a) enter any part of that land which is cultivated or is being re-vegetated or reclaimed; or
 - (b) intentionally disturb, destroy or interfere with any nest or habitat of any bird or other animal; or

Reg. 5(1)
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 22.1).

- (c) deface, damage or in any way interfere with any building, gate, fence, barrier, sign or other structure; or
- (d) deface, pick or intentionally damage, injure or interfere with any vegetation; or
- (e) remove, dig or cut any soil, sand, rock or gravel; or
- (f) light or cause to be lit any fire; or
- (g) bring a dog into, or allow a dog to remain on that land; or
- (h) injure, disturb or interfere with any cattle or sheep on that land.

Penalty: 0.2 penalty units.

- (2) Sub-regulation (1) does not apply to a person who is acting in accordance with a licence or authority under the Act or under any lease, licence, permit or authority under the **Mineral Resources Development Act 1990, the Extractive Industries Development Act 1995** or the **Petroleum Act 1958**.

6. Application to surrender land

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

7. Notice of demand to owner

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

8. Notice of municipal council that a road is unused

A notice under section 400 of the Act that a road which a municipal council considers is not required for public traffic is an unused road, must be in the form in Schedule 4.

9. Duplicate Residence Area Right

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

10. Duplicate licence document

The Secretary may issue a duplicate licence document to replace a lost, stolen or destroyed licence document.

11. Fees

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

Reg. 11 Table
substituted by
S.R. No.
152/2003
reg. 4, 88/2004
reg. 4(Sch. 1
item 22.2(a)–
(i)).

TABLE

Column 1 Item	Column 2 Description	Column 3 Fee Payable
	Licence Fees—	
001	(a) For entry under section 29 of an application for any licence granted under the Act	2.2 fee units
002	(b) for preparation and issue of any licence	4.1 fee units
003	(c) for consent to the transfer of any licence	4.1 fee units
004	(d) for preparation of any duplicate licence document	4.1 fee units
005	(e) for registration of a lien or of cancellation of the registration of a lien on a licence granted under the Act	4.1 fee units
	Lease fees—	
006	(a) for entry under section 29 of an application for any lease granted under the Act	2.2 fee units
007	(b) for preparation and issue of any lease, except for a residence area purchase lease	9.2 fee units
008	(c) for preparation and issue of any residence area purchase lease	\$9
009	(d) for consent to transfer, assign, mortgage, sublet or subdivide any lease	6.4 fee units
010	(e) for application by a licensee of auriferous land for a selection purchase lease	4.1 fee units
011	(f) for issue of a duplicate copy of an original lease searched by an officer of the Department at the Office of Titles if duplicate lease is lost	5.2 fee units

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Column 1 Item	Column 2 Description	Column 3 Fee Payable
012	(g) for instrument of discharge of a mortgage on a demise to which section 273 of the Act or any corresponding previous enactment applies Crown grant fees—	3.1 fee units
013	(a) for preparation and issue of grant of Crown land sold in fee simple	9.2 fee units
014	(b) for declaration of Governor in Council under section 362A(1) of the Act General fees—	9.2 fee units
015	(a) for consent of Minister under section 96 of the Act (b) for preparation and supply of any deed or document not otherwise specified in these Regulations where the deed or document is prepared in connection with—	5.2 fee units
016	(i) an application under the Act;	9.2 fee units
017	(ii) a Crown grant, lease, licence, permit, right, consent, or other instrument granted or issued under the Act;	9.2 fee units
018	(iii) an endorsement, registration, discharge, transfer or assignment authorised by the Act (c) for supply of documents concerning searches by an officer or officers of the Department made in connection with an application under the Act, a Crown grant, lease, licence, permit, right, consent or other instrument granted or issued under the Act or an endorsement, registration, discharge, transfer or assignment authorised under the Act, carried out at—	9.2 fee units

r. 11

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Column 1 Item	Column 2 Description	Column 3 Fee Payable
019	(i) the Office of Titles (per document);	1·9 fee units
020	(ii) the Australian Securities and Investments Commission;	2·1 fee units
021	(iii) the Office of the Registrar General;	3 fee units
022	(iv) Consumer Affairs Victoria	2·1 fee units

SCHEDULES

SCHEDULE 1

**Application for authority to surrender land under section 22C of the
Land Act 1958**

TO: The Attorney General of Victoria

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

(1).....

of

(2).....

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

(3).....

apply for authority to surrender that land to Her Majesty.

It is declared that—

(a) the land is not subject to any mortgage or charge;

(b) the land is/is not* subject to any lease tenancy or licence;

(4).....

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

(5).....

*Signed:

.....(witness)

Dated:

*The seal (6) of the municipal council of.....

was affixed to this on.....

by

.....(witness)

*delete whichever is not applicable

- (1) Insert name of applicant
- (2) Insert address of applicant
- (3) Give description of land.
- (4) Give details of any lease, tenancy or licence if applicable.
- (5) Give dates and names of newspapers in which notice of intention under section 22C(3) was published.
- (6) Delete if delegate signs on behalf of a municipal council.

Explanatory notes

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

SCHEDULE 2

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

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

(1).....

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

(2).....

.....

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

(1) Insert name of applicant.

(2) Insert description of land and any improvements on the land.

SCHEDULE 3**NOTICE OF DEMAND UNDER SECTION 188A OF THE LAND
ACT 1958**

To
 (1).....
 of
 (2).....

 being the owner of
 (3).....
 on the Crown land described below,
 I,

 of.....being
 *an authorised officer—

*a person authorised by the Secretary to the Department of Natural
Resources and Environment

*a person authorised by the committee of management of the
Crown land described in this notice—
 (*delete whichever is not applicable)

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

(3).....

on the following Crown land:

Crown land having an area of approximately.....
 in the Parish of
 County of

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

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Sch. 3

to the Magistrates Court to order the

(3).....

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

Dated:

Signed:

Address:

-
- (1) Give owner's full name. If not known state "the owner"
 - (2) Give the address of the owner, if known
 - (3) Specify nature of building, structure, standing crop, improvement or other thing.

SCHEDULE 4**NOTICE OF A MUNICIPAL COUNCIL UNDER SECTION 400 THAT
A ROAD IS UNUSED****Secretary to the Department of Natural Resources and Environment**

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

(1).....

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

SCHEDULE

Parish	Description of location of road

*Signed:.....

Dated:.....

witness.....

*(2) The seal of the municipal council of.....

as affixed to this on

by

witness

Delete whichever is not applicable

(1) Insert name of municipal council

(2) Delete if delegate signs on behalf of municipal council

ENDNOTES

1. General Information

The Land Act Regulations 1996, S.R. No. 79/1996 were made on 20 August 1996 by the Governor in Council under sections 22C, 181, 182, 188A, 400, 401A and 413 of the **Land Act 1958**, No. 6284/1958 and came into operation on 20 August 1996.

The Land Act Regulations 1996 will sunset 10 years after the day of making on 20 August 2006 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Land Act Regulations 1996 by statutory rules, subordinate instruments and Acts.

Land Act (Fees) Regulations 2003, S.R. No. 152/2003

Date of Making: 16.12.03

Date of Commencement: 1.1.04: reg. 3

Monetary Units Regulations 2004, S.R. No. 88/2004

Date of Making: 29.6.04

Date of Commencement: 1.7.04: reg. 3

3. Explanatory Details

No entries at date of publication.