

**Authorised Version No. 113**  
**Crown Land (Reserves) Act 1978**  
**No. 9212 of 1978**

Authorised Version incorporating amendments as at  
1 December 2016

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**Authorised Version No. 113**  
**Crown Land (Reserves) Act 1978**  
**No. 9212 of 1978**

Authorised Version incorporating amendments as at  
1 December 2016

An Act to provide for the Reservation of Crown Lands for  
certain purposes and for the Management of such Reserved  
Lands and for other purposes.

**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):

**Part 1—Preliminary**

**1 Short title and commencement**

- (1) This Act may be cited as the **Crown Land (Reserves) Act 1978**.
- (2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

\* \* \* \* \*

S. 1(3)  
repealed by  
No. 41/1987  
s. 103(Sch. 4  
item 9.1).

**2 Repeal and savings**

- (1) The **Land Act 1958** to the extent expressed in the First Schedule to be repealed is hereby repealed accordingly.

\* \* \* \* \*

S. 2(2)  
repealed by  
No. 9863 s. 2.

- (3) Except as in this Act expressly or by necessary implication provided—
- (a) all persons things and circumstances appointed or created by or under the repealed or amended provisions or existing or continuing under such provisions immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if such provisions had not been so repealed or amended;
  - (b) in particular and without affecting the generality of the foregoing such repeal or amendment shall not disturb the continuity status operation or effect of any proclamation regulation rule by-law order application certificate appointment nomination allowance consent grant reservation lease licence permit condition exception notice determination recommendation decision direction delegation guarantee fund liability or right made effected issued granted given passed accrued incurred or acquired or existing or continuing by or under the repealed or amended provisions before the commencement of this Act; and such repeal or amendment shall not affect or disturb any validation effected or any transfer of powers duties and authorities or the construction of any document consequent thereon by or under any of such Acts before the commencement of this Act.

S. 2(3)(b)  
amended by  
No. 9427  
s. 6(1)(Sch. 5  
item 45).

### 3 Definitions

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

S. 3  
amended by  
No. 9380  
s. 2(a).

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

S. 3 def. of  
*appointed land*  
inserted by  
No. 62/2010  
s. 109(1).

*authorised officer* means a person appointed as an authorised officer under the **Conservation, Forests and Lands Act 1987** for the purposes of the **Land Act 1958**;

S. 3 def. of  
*authorised officer*  
inserted by  
No. 41/1987  
s. 103(Sch. 4  
item 9.2),  
amended by  
No. 96/1994  
s. 48(a).

*Carlton Gardens Reserve* means the balance of the land described in Crown Grant Volume 600 Folio 905;

S. 3 def. of  
*Carlton Gardens Reserve*  
inserted by  
No. 14/2008  
s. 3.

*Central Plan Office* means the Central Plan Office maintained under section 4 of the **Survey Co-ordination Act 1958**;

S. 3 def. of  
*Central Plan Office*  
inserted by  
No. 64/2004  
s. 25,  
amended by  
No. 79/2013  
s. 14,  
substituted by  
No. 51/2016  
s. 7.

\* \* \* \* \*

S. 3 def. of  
*Chief Administrator*  
inserted by  
No. 41/1987  
s. 103(Sch. 4  
item 9.2),  
repealed by  
No. 76/1998  
s. 6(a)(i).

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S. 3 def. of  
*designated  
port*  
inserted by  
No. 23/1995  
s. 3,  
repealed by  
No. 11/2002  
s. 3(Sch. 1  
item 14.1(a)).

\* \* \* \* \*

S. 3 def. of  
*coastal Crown  
land*  
inserted by  
No. 8/1995  
s. 42(1).

*coastal Crown land* means land which is reserved  
either temporarily or permanently under this  
Act and which is coastal Crown land within  
the meaning of the **Coastal Management  
Act 1995**;

S. 3 def. of  
*Council*  
inserted by  
No. 58/2010  
s. 44.

*Council* has the same meaning as it has in the  
**Local Government Act 1989**;

S. 3 def. of  
*declaration  
period*  
inserted by  
No. 14/2008  
s. 3.

*declaration period* means the period specified in a  
special event management declaration as the  
period for which the declaration is to apply;

S. 3 def. of  
*designated  
port*  
inserted by  
No. 11/2002  
s. 3(Sch. 1  
item 14.1(b)),  
repealed by  
No. 65/2010  
s. 420(Sch. 3  
item 5.1(a)).

\* \* \* \* \*

S. 3 def. of  
*event  
organiser*  
inserted by  
No. 14/2008  
s. 3.

*event organiser* means a person who organises or  
conducts events;

<p><i>fallen or felled trees</i> includes parts of fallen or felled trees;</p>	<p>S. 3 def. of <i>fallen or felled trees</i> inserted by No. 46/2012 s. 14.</p>
<p><i>film friendly principles</i> has the same meaning as in the <b>Filming Approval Act 2014</b>;</p>	<p>S. 3 def. of <i>film friendly principles</i> inserted by No. 51/2014 s. 9(Sch. 2 item 2.1).</p>
<p><i>film permit</i> has the same meaning as in the <b>Filming Approval Act 2014</b>;</p>	<p>S. 3 def. of <i>film permit</i> inserted by No. 51/2014 s. 9(Sch. 2 item 2.1).</p>
<p><i>firewood collection area</i> means land determined by the Secretary in accordance with section 21P to be a firewood collection area;</p>	<p>S. 3 def. of <i>firewood collection area</i> inserted by No. 46/2012 s. 14.</p>
<p><i>firewood collection season</i>, in relation to a firewood collection area, means—</p> <ul style="list-style-type: none"><li>(a) a period referred to in section 21N if the period has not been varied; or</li><li>(b) if the period referred to in section 21N has been varied under section 21O, the period as so varied;</li></ul>	<p>S. 3 def. of <i>firewood collection season</i> inserted by No. 46/2012 s. 14.</p>
<p><i>forest park</i> means an area of land deemed to be permanently reserved under section 47D;</p>	<p>S. 3 def. of <i>forest park</i> inserted by No. 54/2008 s. 13(2).</p>
<p><b>Goulburn-Murray Water</b> means Goulburn-Murray Rural Water Corporation constituted under Part 6 of the <b>Water Act 1989</b>;</p>	<p>S. 3 def. of <i>Goulburn-Murray Water</i> inserted by No. 82/2009 s. 24.</p>

S. 3 def. of  
*joint  
management  
plan*  
inserted by  
No. 62/2010  
s. 109(1).

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

S. 3 def. of  
*land manager*  
inserted by  
No. 40/2009  
s. 3(2).

*land manager*, for the purposes of Part 3A,  
means—

- (a) in relation to land reserved under  
section 4 that is managed by trustees or  
a committee of management, the  
trustees or committee of management;  
or
- (b) in relation to land reserved under  
section 4 that is not managed by  
trustees or a committee of management,  
the Secretary;

S. 3 def. of  
*local port*  
inserted by  
No. 65/2010  
s. 420(Sch. 3  
item 5.1(b)).

*local port* has the same meaning as it has in the  
**Port Management Act 1995**;

S. 3 def. of  
*management  
plan*  
repealed by  
No. 8/1995  
s. 42(2).

\* \* \* \* \*

S. 3 def. of  
*Melbourne  
Water  
Corporation*  
inserted by  
No. 60/2005  
s. 19,  
substituted by  
No. 54/2008  
s. 13(1).

*Melbourne Water Corporation* has the same  
meaning as in the **Water Act 1989**;

***mineral water*** means groundwater which in its natural state contains carbon dioxide and other soluble matter in sufficient concentration to cause effervescence and impart a distinctive taste;

***mineral spring*** means any place where mineral water issues naturally or is extracted from an aquifer;

***mineral springs reserve*** means—

- (a) any Crown land reserved pursuant to section 4 or any corresponding previous enactment for the purpose of mineral springs; or
- (b) any Crown land reserved either temporarily or permanently pursuant to section 4 or any corresponding previous enactment for any purpose on which there is a mineral spring;

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

S. 3 def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 42.1).

***responsible Minister*** means—

- (a) the Minister administering this Act; or
- (b) if powers under this Act have been conferred on another Minister by Order under section 17AB, that Minister;

S. 3 def. of *responsible Minister* inserted by No. 40/2009 s. 3(1).

***Secretary*** means the body corporate established by Part 2 of the **Conservation, Forests and Lands Act 1987**;

S. 3 def. of *Secretary* inserted by No. 76/1998 s. 6(a)(ii).

S. 3 def. of  
*special event  
management  
area*  
inserted by  
No. 14/2008  
s. 3.

*special event management area* means the area specified in a special event management declaration as the area to which the declaration is to apply;

S. 3 def. of  
*special event  
management  
declaration*  
inserted by  
No. 14/2008  
s. 3.

*special event management declaration* means a declaration under section 29J(1);

S. 3 def. of  
*special event  
period*  
inserted by  
No. 14/2008  
s. 3.

*special event period* means a period specified in a special event management declaration as a period during which the special event is to take place;

S. 3 def. of  
*tour operator  
licence*  
inserted by  
No. 40/2009  
s. 3(2).

*tour operator licence* means a licence granted under section 21B;

S. 3 def. of  
*traditional  
owner land  
management  
agreement*  
inserted by  
No. 62/2010  
s. 109(1).

*traditional owner land management agreement* has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

S. 3 def. of  
*Traditional  
Owner Land  
Management  
Board*  
inserted by  
No. 62/2010  
s. 109(1).

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

S. 3 def. of  
*tree or trees*  
inserted by  
No. 46/2012  
s. 14.

*tree or trees* has the same meaning as in section 3(1) of the **Forests Act 1958**;

***Trust*** means the Melbourne Convention and Exhibition Trust established by the **Melbourne Convention and Exhibition Trust Act 1996**.

S. 3 def. of *Trust* inserted by No. 14/2008 s. 3.

**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. 109(2).

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

S. 3A inserted by No. 12/2004 s. 154.

- (1) A road on reserved Crown land under this Act 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) if the committee of management for the reserve is a Council, the Council; or
  - (b) if paragraph (a) does not apply—
    - (i) 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
    - (ii) if no notice is published, the relevant committee of management for the reserve; or
    - (iii) if neither subparagraph (i) nor (ii) applies, the Secretary.

S. 3A(2)(a) amended by No. 58/2010 s. 45.

S. 3A(2)(b)(iii) amended by No. 51/2016 s. 8.

S. 3B  
inserted by  
No. 6/2010  
s. 25(5)  
(Sch. 2 item 3)  
(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. 3C  
inserted by  
No. 51/2014  
s. 9(Sch. 2  
item 2.2).

### **3C Filming Approval Act 2014**

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

## Part 2—Reservation of land

### 4 Power to reserve Crown land for public purposes

No. 6284 s. 14.

(1) The Governor in Council may by Order published in the Government Gazette reserve by a general or particular description either temporarily or permanently any Crown lands which in his opinion are required for any public purposes and without affecting the generality of the foregoing for any or any combination of the following—

(a) ports, quays wharves docks and landing places;

S. 4(1)(a)  
amended by  
No. 23/1995  
s. 4(1).

(b) roads carparks tramways and railways;

(c) aerodromes and landing grounds for aircraft;

(d) watersheds and gathering grounds for water supply purposes, the supply and distribution of water and works associated therewith including reservoirs aqueducts pipe-lines channels and waterways;

S. 4(1)(d)  
amended by  
No. 81/1989  
s. 3(Sch.  
item 8.1).

(e) the protection of the beds or channels and the banks of waterways;

S. 4(1)(e)  
amended by  
No. 81/1989  
s. 3(Sch.  
item 8.2).

(f) drainage and sewerage works;

(g) camping grounds and watering places for travelling stock;

(h) markets abattoirs and saleyards;

(i) municipal buildings and store-yards;

(j) public baths and swimming pools;

(k) mineral springs;

(l) the preservation of areas of ecological significance;

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S. 4(1)(ma)  
inserted by  
No. 54/2010  
s. 78.

- (m) the conservation of areas of natural interest or beauty or of scientific historic or archaeological interest;
- (ma) carbon sequestration in vegetation and soil;

S. 4(1)(o)  
amended by  
No. 9551 s. 2.

- (n) the preservation of species of native plants;
- (o) the propagation or management of wildlife or the preservation of wildlife habitat;
- (p) pre-school centres, State schools and other institutions of public instruction and areas and facilities for the study of the natural environment;
- (q) prisons and reformatories;
- (r) public buildings including offices halls libraries museums galleries and war memorials;
- (s) experimental and research farms and agricultural colleges;

S. 4(1)(t)  
amended by  
No. 24/2006  
s. 6.1.2(Sch. 7  
item 11.1).

- (t) the growth preservation and supply of timber including Government school forest plantations;
- (u) the supply of sand gravel stone and other materials for the construction of public roads buildings and other works;
- (v) alpine resorts;
- (w) public parks gardens and ornamental plantations;
- (x) areas for public recreation including areas for camping;
- (y) the purposes of health and social welfare;

- (z) facilities and services for tourists or for the promotion of tourism;
  - (za) show-grounds and race-courses;
  - (zb) cemeteries and crematoria;
  - (zc) hospitals and institutions or services for any other purposes administered by the Minister administering the **Health Services Act 1988** or conducted by committees registered under the **Hospitals and Charities Act 1958**;  
S. 4(1)(zc) amended by No. 46/1998 s. 7(Sch. 1).
  - (zd) bush nursing centres;
  - (ze) the protection of the coastline; and
  - (zf) zoological parks.
- (2) At least 30 days before any land is permanently reserved under subsection (1) notice of the intention to so reserve it shall be published once in a newspaper circulating generally in the area in which the land is situated.
- (3) Before any land is temporarily or permanently reserved for the protection of the coastline and before the Governor in Council declares any land to be permanently reserved for the protection of the coastline under subsection (6) the Minister shall obtain and consider a report of the Victorian Coastal Council.  
S. 4(3) amended by Nos 8/1995 s. 42(3), 76/1998 s. 42.
- (3A) Before any land within a local port is temporarily or permanently reserved under subsection (1), the Minister must consult with the Minister administering the **Port Management Act 1995**.  
S. 4(3A) inserted by No. 23/1995 s. 4(2), amended by No. 65/2010 s. 420(Sch. 3 item 5.2).
- (4) Every temporary or permanent reservation made or purported to have been made under the **Land Act 1958** or any previous corresponding enactment shall be deemed to have been made under subsection (1).  
No. 6284 s. 16.

- (5) Where any land is permanently reserved for unspecified purposes under any Act the Governor in Council may by Order published in the Government Gazette specify that the land or any part thereof is so permanently reserved for any purpose authorized by or under subsection (1) and thereupon such land shall be deemed to be so reserved under subsection (1).
- (6) The Governor in Council may by Order published in the Government Gazette declare any land or any part thereof reserved either temporarily or permanently for any purpose under any Act to be permanently reserved for the protection of the coastline and thereupon such land shall be deemed to be so reserved under subsection (1) for that purpose.

No. 6284  
s. 22F.

#### 5 Minister may purchase and acquire land

- (1) The Minister may purchase by agreement for and on behalf of Her Majesty any land which he considers should be reserved for any of the purposes specified in section 4(1).

S. 5(2)  
repealed by  
No. 41/1987  
s. 103(Sch. 4  
item 9.3).

\* \* \* \* \*

- (3) The Minister shall consult with the Minister administering the **Youth, Sport and Recreation Act 1972** prior to entering into any agreement under subsection (1) for the purchase of any land for any purpose specified in paragraph (x) of section 4(1).

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- (4) The Minister may compulsorily acquire for and on behalf of Her Majesty—
- (a) any land which he is satisfied on reasonable grounds should be reserved for—
    - (i) any of the purposes specified in paragraphs (l), (m), (n) and (o) of section 4(1); or
    - (ii) a park in conjunction with any or all of those purposes;
  - (b) any easement right or privilege over any land which he considers necessary or desirable to provide access to or for the development protection or improvement of any land reserved for any purpose referred to in paragraph (a) or for any purpose similar thereto; or
  - (c) any land which is within the metropolitan area (within the meaning of section 153A of the **Water Industry Act 1994**) and which the Minister is satisfied, on reasonable grounds, should be reserved for any of the purposes specified in paragraphs (w) and (x) of section 4(1).
- (5) The **Land Acquisition and Compensation Act 1986** applies to this section and for that purpose—
- (a) this section is the special Act; and
  - (b) the Minister is the Authority.
- \*            \*            \*            \*            \*

S. 5(4)  
amended by  
No. 41/1987  
s. 103(Sch. 4  
item 9.4).

S. 5(4)(b)  
amended by  
No. 66/2000  
s. 48.

S. 5(4)(c)  
inserted by  
No. 66/2000  
s. 48,  
amended by  
No. 11/2002  
s. 3(Sch. 1  
item 14.2).

S. 5(5)  
substituted by  
No. 121/1986  
s. 112.

S. 5(6)  
amended by  
No. 10087  
s. 3(1)(Sch. 1  
item 31),  
repealed by  
No. 121/1986  
s. 112.

No. 6284  
s. 22F(3).  
S. 5(7)  
amended by  
No. 121/1986  
s. 112.

(7) Any land purchased under this section shall be surrendered and transferred or conveyed to the Crown and thereupon shall be deemed to be unalienated land of the Crown temporarily reserved under this Act for the purpose for which the land was purchased.

S. 5(8)  
inserted by  
No. 121/1986  
s. 112.

- (8) Any land acquired by the Minister under this section—
- (a) vests in the Crown under section 24 of the **Land Acquisition and Compensation Act 1986** despite anything to the contrary in that section; and
  - (b) may be dealt with as unalienated land of the Crown temporarily reserved under this Act for the purpose for which the land was acquired.

## **6 Effect of permanent reservation on land previously temporarily reserved**

Where any land is permanently reserved under section 4 any previous temporary reservation of the land shall be deemed to be revoked by the Order effecting the permanent reservation but any regulations and the appointment of any committee of management in respect to the land shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if such reservation had not been so revoked.

## 7 Consent of manager required for mining purposes

(1) The Governor in Council may, by the Order reserving any land or by any subsequent Order published in the Government Gazette, nominate any specified part of reserved land for which consent of the person or manager administering or managing the land is required before work may be done on that land in accordance with the **Mineral Resources (Sustainable Development) Act 1990**.

(2) The Governor in Council may revoke any nomination under subsection (1) by Order published in the Government Gazette.

(3) After the commencement of section 40 of the **Mineral Resources Development (Amendment) Act 1993**, the Governor in Council must not make a nomination under subsection (1) in relation to any land that is unrestricted Crown land within the meaning of the **Mineral Resources (Sustainable Development) Act 1990**.

S. 7  
amended by  
No. 9551  
s. 3(a)–(c),  
substituted by  
No. 92/1990  
s. 128(Sch. 1  
item 4).

S. 7(1)  
amended by  
No. 63/2006  
s. 61(Sch.  
item 7).

S. 7(3)  
inserted by  
No. 86/1993  
s. 40,  
amended by  
No. 63/2006  
s. 61(Sch.  
item 7).

## 8 Reserved lands not to be sold, leased or licensed

(1) Any land which has been reserved either temporarily or permanently under section 4 shall not (except as authorized by this or any other Act) be sold leased or licensed unless the reservation thereof has been revoked and any purported sale lease or licence of such land shall be absolutely void as well against Her Majesty as all other persons whomsoever.

No. 6284  
ss 18, 19.

S. 8  
amended by  
No. 5/1993  
s. 3(a).

S. 8(2)  
inserted by  
No. 5/1993  
s. 3(b).

(2) An Act other than this Act (whether passed before or after the commencement of this subsection) must be taken to authorise the sale, leasing or licensing of land reserved temporarily or permanently under section 4 only if it expressly, and not merely by implication, authorises the sale, leasing or licensing of—

- (a) that particular land; or
- (b) any class or description of Crown land or reserved land that includes that land; or
- (c) Crown land or reserved land generally.

S. 8(3)  
inserted by  
No. 5/1993  
s. 3(b).

(3) For the purposes of subsection (2)(b) and (c) an Act which authorises the sale, leasing or licensing of land, without expressly referring to Crown land or reserved land, must not be taken to authorise the sale, leasing or licensing of Crown land or reserved land.

S. 8(4)  
inserted by  
No. 5/1993  
s. 3(b).

(4) This section has effect despite any Act or rule of law to the contrary, including any rule of the common law.

## **9 Revocation of reservations**

- (1) Unless otherwise specifically provided in this or any other Act the temporary reservation of any land under section 4 may only be revoked in accordance with the provisions of section 10.
- (2) Unless otherwise specifically provided in any other Act the permanent reservation of any land under section 4 may only be revoked pursuant to the provisions of section 11.

**10 Revocation of temporary reservation**

The Governor in Council may revoke any temporary reservation of any land as to the whole or any part thereof by Order published in the Government Gazette but at least fourteen days before any temporary reservation is revoked notice of intention to revoke the reservation shall be published in the Government Gazette.

No. 6284 s. 22.  
S. 10  
amended by  
No. 96/1994  
s. 46(a).

\* \* \* \* \*

S. 10(2)  
amended by  
No. 10087  
s. 3(1)(Sch. 1  
item 31),  
repealed by  
No. 96/1994  
s. 46(b).

**11 Power to amend or revoke permanent reservations**

No. 6284 s. 15.

(1) Where—

- (a) the bed or channel of any waterway or any Crown land on either side of the same is permanently reserved by Order in Council under this Act; and
- (b) after the date of such Order the course of such waterway is altered (whether by natural or artificial means); and
- (c) the bed or channel as so altered and any Crown land on either side thereof are permanently reserved by Order in Council under this Act—

S. 11(1)(a)  
amended by  
No. 81/1989  
s. 3(Sch.  
item 8.3).

S. 11(1)(b)  
amended by  
No. 81/1989  
s. 3(Sch.  
item 8.3).

the Governor in Council may by the Order referred to in paragraph (c) or any subsequent Order revoke or amend the first-mentioned Order in whole or in part so far as the same is no longer applicable to the altered circumstances.

S. 11(2)  
amended by  
Nos 46/1998  
s. 7(Sch. 1),  
24/2006  
s. 6.1.2(Sch. 7  
item 11.2).

(2) Where any land is permanently reserved for the purposes of the **Education and Training Reform Act 2006** or any corresponding previous enactment and the Minister administering the **Education and Training Reform Act 2006** certifies in writing that such land or any part thereof is no longer required for such purposes the Governor in Council by Order published in the Government Gazette may revoke such reservation as to the whole or any part of such land.

S. 11(3)  
amended by  
Nos 46/1998  
s. 7(Sch. 1),  
24/2006  
s. 6.1.2(Sch. 7  
item 11.2).

(3) Where any land the permanent reservation of which is revoked under subsection (2) is vested by Crown grant in the Minister administering the **Education and Training Reform Act 2006**—

- (a) on the day on which the revocation of such permanent reservation is published in the Government Gazette the Crown grant in so far as it relates to such land shall be revoked made void and annulled; and
- (b) such land shall be deemed to be unalienated land of the Crown freed and discharged from all trusts encumbrances reservations restrictions and limitations whatsoever.

S. 11A  
inserted by  
No. 62/2010  
s. 110.

#### **11A Revocation and further reservation of land**

(1) If a land agreement provides that land that is the subject of the agreement is to be reserved for the purpose specified in the agreement, the Minister may recommend to the Governor in Council that the reservation of the land (whether temporary or permanent) be revoked and that the land be reserved for the purposes set out in the recommendation.

- (2) On receiving a recommendation of the Minister under subsection (1), the Governor in Council may, by Order in Council, revoke the reservation of the land and reserve the land for the purposes set out in the Order in Council.
- (3) The Minister must take all reasonable steps to make a recommendation under subsection (1), to give effect to the land agreement.
- (4) This section has effect despite anything to the contrary in any other provision of this Act.
- (5) In this section *land agreement* has the same meaning as in the **Traditional Owner Settlement Act 2010**.

#### **11B Parliamentary scrutiny of Order in Council**

S. 11B  
inserted by  
No. 62/2010  
s. 110.

- (1) Any Order in Council under section 11A(2) may be disallowed by resolution of either House of Parliament.
- (2) Sections 15, 22, 23 and 24 of the **Subordinate Legislation Act 1994** apply to an Order in Council and resolution referred to in subsection (1) as if—
  - (a) the Order were a statutory rule within the meaning of that Act, notice of which had been published in the Government Gazette on the day on which the Order was made; and
  - (b) in section 23(2)(a) of that Act, for "18th" were **substituted** "5th"; and
  - (c) in section 23(2)(b) of that Act, for "12th" were **substituted** "10th"; and
  - (d) disallowance by either House of Parliament were disallowance by Parliament.

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- (3) Despite anything to the contrary in any other Act, an Order referred to in subsection (1) comes into force, if it is not disallowed by either House of Parliament, on the day after the last day on which it could have been so disallowed.

## Part 3—General provisions relating to reserved land

### 12 Vesting of land on appointment of new trustees

No. 6284  
s. 219.

(1) Where any Crown land has been permanently reserved and granted to trustees or granted to the Minister and trustees jointly under any Act an Order in Council deed or document appointing a new trustee or new trustees of such land shall by virtue of this Act and without further or other conveyance assignment or transfer have the effect of granting such land to such new trustee or trustees either solely or together with any surviving or continuing trustee including the Minister (as the case may be).

(2) The trustees to whom such land is granted shall if such land is under the **Transfer of Land Act 1958** be deemed to be the proprietors thereof within the meaning of that Act as if their names appear as proprietors in the Register.

S. 12(2)  
amended by  
No. 18/1989  
s. 13(Sch. 2  
item 20).

(3) The Secretary shall forthwith after the publication in the Government Gazette of any Order in Council or the execution of any deed or document appointing a new trustee or trustees of such land give notice to the Registrar of Titles of the making of such Order or the execution of such deed or document and forward to him a copy of the Government Gazette in which the Order is published or a duplicate or certified copy of such deed or document (as the case requires).

S. 12(3)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 32),  
76/1998  
s. 6(b),  
85/1998  
s. 24(Sch.  
item 15) (as  
amended by  
No. 74/2000  
s. 3(Sch. 1  
item 129.1)).

\* \* \* \* \*

S. 12A  
inserted by  
No. 10144  
s. 6(1),  
repealed by  
No. 12/1989  
s. 4(1)(Sch. 2  
item 21.1) (as  
amended by  
No. 13/1990  
s. 38(1)(j)).

No. 6284  
ss 218, 219.

### 13 Regulations

(1) Where any land has been reserved under this Act—

- (a) the trustees thereof or the Minister and the trustees (as the case may be) with the approval of the Governor in Council; or
- (b) where the land has not been granted to trustees, the Minister—

may make regulations for and with respect to—

- (i) the proceedings of any committee of management;
- (ii) the care protection and management of the land;
- (iii) the preservation of good order and decency on the land;
- (iiia) setting aside areas on the land in which specified activities are permitted, restricted or prohibited;
- (iv) the provision of services and facilities on the land and the conditions under which any services or facilities so provided shall be available to or be used by any person;
- (v) the carrying out of works and improvements;
- (vi) the safety of persons on the land or occupying or using any structure or building or any part of any structure or building on the land;
- (vii) issuing permits and licences and entering into agreements in relation to the land;

S. 13(1)(b)(iiia)  
inserted by  
No. 51/2016  
s. 9(1).

- (viii) the inspection and approval by a committee of management (if any) of plans and specifications for buildings structures or other works or extensions of buildings structures or other works required or permitted to be erected on such land;
- (ix) the removal of any buildings structures or other works which do not comply with the requirements of the committee of management or in respect of which a permit, licence or agreement has expired or has been cancelled;
- (x) the imposition, collection and receipt of fees, tolls, rents or other charges for or in respect of—
- (A) entry upon such land (including any waters on such land) or any specified part of such land by any persons, animals, vehicles, boats or aircraft; or
  - (B) any improvement, services or facilities on such land (including car parks); or
  - (C) permits for the use of such land or any part of such land;
- (xa) imposing penalties not exceeding 20 penalty units for contravention of the regulations;
- Note**  
See section 34 for transitional provisions relating to penalties.
- (xi) the fixing and collection of charges or royalties, whether in advance or otherwise, for the taking of any stone within the meaning of the **Mineral**

S. 13(1)(b)(x) substituted by No. 51/2016 s. 9(2).

S. 13(1)(b)(xa) inserted by No. 51/2016 s. 9(2).

S. 13(1)(b)(xi) amended by Nos 67/1995 s. 58(Sch. 1 item 5), 6/2009 s. 48.

**Resources (Sustainable Development)  
Act 1990** from such land;

S. 13(1)(b)(xii)  
substituted by  
No. 79/2013  
s. 15(1).

(xii) extending or applying regulations made under this subsection in respect of any land referred to in paragraph (b) to any other land referred to in that paragraph.

S. 13(1A)  
inserted by  
No. 79/2013  
s. 15(2).

(1A) Regulations made by the Minister under the power conferred by paragraph (b) of subsection (1) may apply to one or more areas of land reserved under section 4.

S. 13(2)  
amended by  
No. 51/2016  
s. 9(3).

(2) Any regulations made by the Minister under the power conferred by paragraph (b) of subsection (1) may confer and impose upon the committee of management of the land and upon any officer or servant of such committee or any specified person or body or class of specified person or body such powers functions authorities restrictions and duties as the Minister thinks necessary or expedient for the purposes of such regulations.

S. 13(2A)  
inserted by  
No. 51/2016  
s. 9(4).

(2A) Regulations made under subsection (1) may—

- (a) be of general or limited application; and
- (b) differ according to differences in time, place or circumstances; and
- (c) provide in a specified case or class of case for the exemption of any person or thing or a class of person or thing from any of the provisions of the regulations, whether—
  - (i) unconditionally or on specified conditions; and
  - (ii) either wholly or to any specified extent.

(3) Regulations under paragraph (x) of subsection (1) imposing tolls fees rents or other charges shall not be made in respect of any lands reserved for public recreation and granted to the Corporation

of the city of Melbourne either alone or jointly with the Minister or in respect of any public parks or gardens vested in trustees or jointly in the Minister and trustees, unless the Governor in Council is satisfied that there are special reasons justifying such regulations.

- (3A) Regulations made under this section may provide for exemptions from or the reduction, waiver or refund, in whole or in part, of any fee, toll, rent or other charge fixed or imposed under regulations made under subsection (1)(b)(x).
- (4) Regulations made under this section and any revocation of any such regulations shall be published in the Government Gazette.

**S. 13(3A)**  
inserted by  
No. 51/2016  
s. 9(5).

\* \* \* \* \*

**S. 13(5)**  
amended by  
No. 10/2004  
s. 15(Sch. 1  
item 4.1),  
repealed by  
No. 51/2016  
s. 9(6)(a).

\* \* \* \* \*

**S. 13(6)**  
amended by  
No. 10/2004  
s. 15(Sch. 1  
item 4.2),  
repealed by  
No. 51/2016  
s. 9(6)(b).

- (7) Any person who contravenes or fails to comply with any regulation made under this section and who after he has been warned by an authorised officer or by any police officer does not desist therefrom may be forthwith apprehended by such authorised officer or police officer and taken before a bail justice or the Magistrates' Court to be dealt with according to law.

**S. 13(7)**  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
items 9.5, 9.6),  
57/1989  
s. 3(Sch.  
item 47.1(a)),  
37/2014  
s. 10(Sch.  
item 42.2).

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S. 13(8)  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
item 9.7),  
57/1989  
s. 3(Sch.  
item 47.1(b)),  
68/2009  
s. 97(Sch.  
item 41.1),  
37/2014  
s. 10(Sch.  
item 42.2).

(8) Every officer or servant employed by the committee of management of any land and every officer or servant of the trustees of any land and every authorised officer and every police officer shall have and may exercise all powers and authorities necessary to take proceedings prosecute or file a charge-sheet containing a charge in respect of any contravention or failure to comply with any regulations made under this section.

S. 13(9)(a)  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
item 9.5),  
57/1989  
s. 3(Sch.  
item 47.1(c)),  
68/2009  
s. 97(Sch.  
item 41.2),  
37/2014  
s. 10(Sch.  
item 42.2).

(9) Any money recovered by fine for breach of any regulation made under this section shall be paid—

(a) where the charge-sheet is filed by a police officer or an authorised officer—into the Consolidated Fund;

S. 13(9)(b)  
amended by  
Nos 57/1989  
s. 3(Sch.  
item 47.1(c)),  
68/2009  
s. 97(Sch.  
item 41.2).

(b) where the charge-sheet is filed by an officer or servant employed by the committee of management of any land—into the funds of the committee of management;

S. 13(9)(c)  
amended by  
No. 57/1989  
s. 3(Sch.  
item 47.1(c)),  
68/2009  
s. 97(Sch.  
item 41.2).

(c) where the charge-sheet is filed by any officer or servant employed by the trustees of the land—into the funds of the trustees.

S. 13(10)  
inserted by  
No. 51/2014  
s. 9(Sch. 2  
item 2.3).

(10) 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.

## 14 Appointment of committees of management

No. 6284  
ss 220, 221.

- (1) Where any land has been permanently reserved under this Act for the purposes of a public park or garden or for the recreation convenience or amusement of the people and has been granted to trustees or jointly to the Minister and trustees the Governor in Council may on the application of the trustees or of the Minister and the trustees (as the case may be) appoint a committee of management thereof and may at any time on a similar application revoke any such appointment or remove any person appointed as a member of the committee.
- (2) Where any land has been reserved either temporarily or permanently under this Act and has not been granted to trustees the Minister may appoint a committee of management thereof and may at any time revoke any such appointment or remove any person appointed as a member of the committee.
- (3) An appointment under subsection (1) or (2) may be subject to such conditions and shall be for such term as the Governor in Council or the Minister (as the case may be) determines in any particular case.
- (4) A committee of management appointed under subsection (1) or (2) may consist of—
  - (a) any three or more persons;
  - (b) a Council;

S. 14(4)(b)  
substituted by  
No. 12/1989  
s. 4(1)(Sch. 2  
item 21.2),  
amended by  
No. 58/2010  
s. 46(1).

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S. 14(4)(c)  
amended by  
No. 10187  
s. 64,  
substituted by  
Nos 121/1994  
s. 207(1),  
17/2012  
s. 84(1).

(c) a metropolitan water corporation within the meaning of the **Water Act 1989**;

S. 14(4)(ca)  
inserted by  
No. 121/1994  
s. 207(1).

(ca) Melbourne Water Corporation;

S. 14(4)(cb)  
inserted by  
No. 121/1994  
s. 207(1),  
substituted by  
No. 66/2000  
s. 49.

(cb) Parks Victoria;

S. 14(4)(d)  
repealed by  
No. 90/2009  
s. 18(1).

\* \* \* \* \*

S. 14(4)(f)  
substituted by  
Nos 9699  
s. 23, 44/2001  
s. 3(Sch.  
item 27).

(e) any board, committee, commission, trust or other body corporate or unincorporate established by or under any Act for any public purpose;

(f) a company within the meaning of the Corporations Act that—

(i) is taken to be registered in Victoria; and

(ii) is registered under section 150, or has a licence in force under section 151, of that Act;

(g) any combination of such persons and bodies.

(5) The Governor in Council or the Minister (as the case may be) may if he thinks fit appoint as chairman of a committee of management (not being a body corporate) appointed under

subsection (1) or (2) any member of that committee for the time being in office.

(6) In any case where the Governor in Council or the Minister (as the case may be) has not appointed a chairman of a committee of management pursuant to subsection (5) the committee may itself appoint as chairman a member of the committee for the time being in office.

(7) Notwithstanding the provisions of section 99 of the **Local Government Act 1989** where a municipal council is appointed as a committee of management of any land under this section any member of the staff of a municipal council concerned may be employed as an officer servant or workman for the purposes of managing improving and maintaining the said land for the purposes for which it is reserved.

S. 14(7)  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
items 21.3,  
21.4).

(8) If a Council is appointed as a committee of management of any land under this section, a Councillor of that Council does not have an indirect interest in a matter to which section 78B of the **Local Government Act 1989** applies if the indirect interest arises solely and directly as a consequence of the appointment of the Council as a committee of management.

S. 14(8)  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
items 21.5,  
21.6),  
substituted by  
No. 58/2010  
s. 46(2).

(8A) Subsection (8) does not affect a Councillor's obligations arising out of section 79 of the **Local Government Act 1989** that apply to any conflicts of interest that do not arise solely and directly as a consequence of the appointment of the Council as a committee of management.

S. 14(8A)  
inserted by  
No. 58/2010  
s. 46(2).

(9) If a Councillor of a Council is a member of an unincorporated committee of management, that Councillor does not have an indirect interest in a matter to which section 78B of the **Local Government Act 1989** applies if the indirect interest arises solely and directly as a consequence

S. 14(9)  
amended by  
No. 12/1989  
s. 4(1)(Sch. 2  
items 21.7,  
21.8),  
substituted by  
No. 58/2010  
s. 46(2).

of the Councillor having an interest in a matter in his or her capacity as a member of the unincorporated committee of management.

S. 14(9A)  
inserted by  
No. 58/2010  
s. 46(2).

(9A) Subsection (9) does not affect a Councillor's obligations arising out of section 79 of the **Local Government Act 1989** that apply to any conflicts of interest that do not arise solely and directly as a consequence of the Councillor being a member of the committee of management.

S. 14(10)  
inserted by  
No. 10144  
s. 5(1).

(10) Without limiting the generality of section 2, every appointment of a committee of management made or purported to be made under the **Land Act 1958** or any corresponding previous enactment or under the **Carlton (Recreation Ground) Land Act 1966** or the **North Melbourne Lands Act 1966** that is in force immediately before the commencement of this Act—

- (a) in the case where the committee was a committee of management of land granted to trustees or jointly to the Minister and trustees, shall be deemed to have been made under subsection (1); or
- (b) in the case where the committee was a committee of management of land not being land granted to trustees, shall be deemed to have been made under subsection (2).

S. 14A  
inserted by  
No. 9551 s. 4.

#### **14A Incorporation of certain committees of management**

- (1) On the recommendation of the Minister the Governor in Council may, if satisfied that it is in the public interest to do so, by notification published in the Government Gazette—
  - (a) declare that a committee of management appointed under section 14(2) and specified in the notification (being a committee of management that consists of three or more persons) shall be a corporation; and

- (b) assign a corporate name to the corporation.
- (2) On the publication in the Government Gazette of a notification under subsection (1)—
- (a) the committee of management specified in the notification shall be a body corporate by the name assigned to it by the Governor in Council with perpetual succession and a common seal and shall by that name be capable in law of suing and being sued and, subject to this Act, of holding, acquiring and disposing of personal property;
  - (b) the powers, functions, discretions and authorities of that committee of management, whether conferred or imposed by this Act or otherwise, shall be deemed to be conferred or imposed on the corporation alone;
  - (c) the duties, liabilities, responsibilities and obligations imposed upon that committee of management shall be transferred to the corporation and thereafter the corporation shall be subject to all such duties liabilities responsibilities and obligations; and
  - (d) the corporation shall become and be the successor in law of that committee of management.
- (3) The common seal of a corporation constituted under this section shall be kept in such custody as the corporation directs and shall not be used except as authorized by the corporation.
- (4) All courts, judges and persons acting judicially shall take judicial notice of the common seal of a corporation constituted under this section affixed to any document and, until the contrary is proved, shall presume that it was duly affixed.

- (5) The Governor in Council may from time to time by notification published in the Government Gazette assign a new corporate name to a corporation constituted under this section and, on and from the publication in the Government Gazette of the notification, the corporate name of the corporation shall be the name so assigned.
- (6) The assignation of a new corporate name to a corporation under subsection (5) shall not affect any rights or obligations of the corporation or render defective any legal proceedings instituted or to be instituted by or against the corporation and any legal proceedings that might have been continued or commenced by or against the corporation by its former name may be continued or commenced by or against the corporation by its new name.
- (7) The Governor in Council may, by notification published in the Government Gazette, dissolve a corporation constituted under this section.
- (8) On the publication in the Government Gazette of a notification under subsection (7)—
  - (a) the members who constituted the corporation specified in the notification shall constitute the committee of management of the land and the provisions of this Act relating to committees of management appointed under section 14(2) (not being bodies corporate or corporations constituted under this section) shall apply to that committee of management;
  - (b) the powers, functions, discretions and authorities of the corporation specified in the notification shall be deemed to be conferred or imposed on that committee of management;

- (c) the duties, liabilities, responsibilities and obligations imposed upon the corporation specified in the notification shall be transferred to that committee of management and thereafter that committee of management shall be subject to all such duties, liabilities, responsibilities and obligations; and
- (d) that committee of management shall become and be the successor in law of the corporation specified in the notification.

**14B Provisions as to committees of management incorporated under section 14A**

S. 14B  
inserted by  
No. 9551 s. 4.

- (1) In this section and in sections 14C, 14D and 14E a committee of management that is declared to be a corporation under section 14A is referred to as "an incorporated committee".
- (2) An incorporated committee shall consist of the members who constituted the committee of management immediately prior to the publication in the Government Gazette of the notification under section 14A(1).
- (3) The Minister shall appoint one of the members of an incorporated committee to be chairman.
- (4) Subject to this Act, a member of an incorporated committee shall hold office for a period of up to three years but shall be eligible for re-appointment.
- (5) The Minister may at any time remove a member of an incorporated committee from office.
- (6) A member of an incorporated committee may resign his office by writing signed by him and delivered to the Minister.

S. 14B(3)  
amended by  
No. 40/2009  
s. 4.

S. 14B(4)  
amended by  
No. 73/1996  
s. 12.

- (7) If any member of an incorporated committee—
- (a) is absent without permission of the committee from four consecutive meetings of the committee;
  - (b) becomes bankrupt or his property becomes in any manner subject to control under the law relating to bankruptcy;
  - (c) is convicted of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence;
  - (d) becomes incapable of performing the duties of his office;
  - (e) is removed from office or resigns his office;  
or
  - (f) dies—
- his office as a member of the committee shall become vacant.
- (8) At any meeting of an incorporated committee the chairman (or, in the absence of the chairman, such member as the members present appoint) shall preside.
- (9) A quorum of an incorporated committee shall consist of a majority of the members for the time being in office.
- (10) The powers and functions of an incorporated committee shall be exercised in accordance with a majority of votes at any meeting and in the event of an equality of votes the person presiding shall have a second or casting vote.
- (11) Subject to this section, the provisions of this Act relating to committees of management (not being bodies corporate) appointed under section 14(2) shall apply to committees of management that are declared to be corporations under section 14A.

**14C Borrowing powers of incorporated committees**

S. 14C  
inserted by  
No. 9551 s. 4.

- (1) For any of the purposes mentioned in paragraph (a) of subsection (1) of section 15 an incorporated committee may, with the approval of the Treasurer of Victoria and subject to such terms conditions and limits as the Treasurer of Victoria imposes—
  - (a) borrow moneys from any authorised deposit-taking institution within the meaning of the Banking Act 1959 of the Commonwealth by way of overdraft; and
  - (b) obtain temporary financial accommodation secured or arranged in such manner and for such period as the Treasurer of Victoria in each particular case approves.
- (2) An incorporated committee may for any of the purposes mentioned in paragraph (a) of subsection (1) of section 15 borrow money from any institution person or body approved by the Treasurer of Victoria on such terms and conditions as are approved by the Treasurer of Victoria from time to time and give to any such institution person or body security for money so borrowed in such form as the Treasurer of Victoria approves in each particular case.
- (3) Where an incorporated committee borrows moneys under the power conferred by subsection (1) or (2), the Treasurer of Victoria may execute in favour of any institution person or body lending money to the committee a guarantee for the repayment thereof.

S. 14C(1)(a)  
amended by  
No. 11/2001  
s. 3(Sch.  
item 19).

- (4) A guarantee given by the Treasurer of Victoria under subsection (3)—
- (a) shall, subject to this subsection, be in such form and subject to such terms and conditions as the Treasurer of Victoria thinks fit;
  - (b) may extend to any interest charges and other expenses chargeable by the institution person or body making the loan and the expenses of enforcing or obtaining or endeavouring to enforce or obtain repayment of the loan and those interest charges and expenses;
  - (c) shall be subject to the condition that the institution person or body making the loan shall obtain take and hold or retain and hold securities of such nature as the Treasurer of Victoria may require for the repayment of the loan and the payment of interest charges and expenses;
  - (d) shall be subject to the condition that the institution person or body making the loan shall not without the prior consent in writing of the Treasurer of Victoria assign or encumber the benefit of the guarantee; and
  - (e) shall not be enforceable against the Treasurer of Victoria unless the institution person or body making the loan has, to the said Treasurer's satisfaction, exercised its or his rights and remedies under all securities held by or for it or him in respect of the loan and any interest charges and expenses.
- (5) Any moneys required by the Treasurer of Victoria in fulfilling any guarantee given under this section shall be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) and any moneys received or

recovered by the Treasurer of Victoria in respect of any moneys so paid by the said Treasurer shall be paid into the Consolidated Fund.

- (6) An incorporated committee may invest moneys in the funds of the incorporated committee in such manner as the Treasurer of Victoria from time to time approves.

**14D Power of incorporated committees to lease land**

S. 14D  
inserted by  
No. 9551 s. 4.

- (1) Notwithstanding anything in this Act but subject to subsection (2), an incorporated committee may, with the consent of the Governor in Council, grant leases of any part of the reserved land for the purposes of providing facilities and services for the public.

- (2) A lease granted under subsection (1)—

- (a) shall be for a specific term not exceeding 21 years; and

S. 14D(2)(a)  
amended by  
No. 40/2009  
s. 5(a).

\* \* \* \* \*

S. 14D(2)(b)  
repealed by  
No. 40/2009  
s. 5(b).

- (c) shall be subject to such covenants exceptions reservations and conditions as are determined by the incorporated committee and approved by the Minister.

**14E Powers conferred by sections 14C and 14D additional to other powers**

S. 14E  
inserted by  
No. 9551 s. 4.

The powers conferred on incorporated committees by sections 14C and 14D are additional to the powers conferred on committees of management (not being bodies corporate) by the other provisions of this Act.

No. 6284  
ss 220, 221.

## 15 Powers of committees of management

- (1) A committee of management of any land appointed under section 14—
- (a) shall manage improve maintain and control the land for the purposes for which it is reserved and for that purpose may employ officers servants and workmen;
  - (b) may exercise all such powers functions and authorities and shall carry out all such duties as are conferred or imposed on it by any regulations made pursuant to section 13 and shall have authority to do all such acts matters and things as are necessary for or incidental to carrying into effect and enforcing such regulations in respect of the land;

S. 15(1)(c)  
amended by  
No. 8/1995  
s. 42(4)(a).

- (c) may carry out works and improvements on the land:

Provided that in the case of works or improvements on coastal Crown land—

S. 15(1)(c)(i)  
substituted by  
No. 8/1995  
s. 42(4)(b).

- (i) the consent of the Minister administering the **Coastal Management Act 1995** has been first obtained; and

S. 15(1)(c)(ii)  
substituted by  
No. 8/1995  
s. 42(4)(b).

- (ii) the works are carried out in accordance with any management plan prepared under the **Coastal Management Act 1995** which relates to the land;
- (iii) the works or improvements are being carried out solely to maintain the land;

- (d) may—
  - (i) if it is a body corporate, in its own name or in the name of some person appointed by it in that behalf; or

- (ii) if it is not a body corporate, in the name of any one or more of its members or in the name of some person appointed by it in that behalf—  
take any legal proceedings for the purposes aforesaid;
- (e) may expend any revenue from the land or any other moneys for any of the purposes mentioned in this section;
- (f) shall expend or apply any revenue for any other purpose whether or not related to the land as directed by the Minister;
- (g) notwithstanding anything in this Act where the committee considers it will not be inconsistent with the purposes of the reservation the committee may subject to the consent of the Minister upon such terms and conditions as it determines—
  - (i) grant a permit to any person to enter upon the land with cattle sheep or other animals and to pasture them thereon; or
  - (ii) cultivate the land or grant a permit to any person to enter upon the land with plant and machinery and cultivate it;
- (h) may, in accordance with the **Impounding of Livestock Act 1994**, impound livestock trespassing on the land and, for the purposes of this paragraph, *livestock* has the same meaning as in section 3 of the **Impounding of Livestock Act 1994**; and
- (i) may insure against any legal liability to members of the public which may arise out of the performance of its functions as committee of management.

S. 15(1)(h)  
substituted by  
No. 89/1994  
s. 36.

- (2) At any meeting of a committee of management the chairman (or, in the absence of the chairman, such member as the members present appoint) shall preside and in the event of an equality of votes the person presiding shall have a second or casting vote.
- (3) A quorum of a committee of management (not being a body corporate) shall consist of a majority of the members for the time being in office.
- (4) The powers and functions of a committee of management (not being a body corporate) may be exercised in accordance with a majority of votes at any meeting.
- (5) Where reserved land has been granted to trustees all acts matters and things done by the committee of management of the land in exercise of the powers conferred by this section shall have the same force and effect as if done by the trustees of the land.
- (6) In no case shall Her Majesty or the Minister be liable for any costs or expenses incurred or awarded in connexion with any prosecution under this section.
- (7) A committee of management appointed under subsection (1) of section 14 shall furnish annually to the trustees of the land and to the Minister a report of its operations and a statement of its receipts and expenditure in such form as the trustees or the Minister may require.
- (8) A committee of management appointed under subsection (2) of section 14—
  - (a) shall keep a full and particular account of all sums of moneys received and expended by it;

- |  |   |
|--|---|
| (b) shall furnish annually to the Secretary, unless otherwise directed by the Secretary, a statement of its receipts and expenditure and of the balance in hand;   | S. 15(8)(b) amended by Nos 10087 s. 3(1)(Sch. 1 item 32), 76/1998 s. 6(c)(i)(ii). |
| (c) shall if requested by the Secretary furnish particulars of any or all of its receipts and expenditure;   | S. 15(8)(c) amended by Nos 10087 s. 3(1)(Sch. 1 item 32), 76/1998 s. 6(c)(i).     |
| (d) shall keep such accounting and other records as may be required by the Secretary to sufficiently explain the transactions and financial position of the committee; and   | S. 15(8)(d) amended by Nos 10087 s. 3(1)(Sch. 1 item 32), 76/1998 s. 6(c)(i).     |
| (e) shall cause to be made up in each year proper accounts of the committee for the year ending on the day immediately preceding the anniversary of the appointment of the committee or any other day as may be required by the Secretary. | S. 15(8)(e) amended by Nos 10087 s. 3(1)(Sch. 1 item 32), 76/1998 s. 6(c)(i).     |
| (8A) Subject to subsection (8B), the provisions of subsection (8) shall not apply to a committee of management consisting of—  | S. 15(8A) inserted by No. 9551 s. 5.  |
| (a) the corporation of any shire borough town or city constituted under the <b>Local Government Act 1958</b> or any other Act relating to local government;  |   |
| (b) a metropolitan water corporation within the meaning of the <b>Water Act 1989</b> ;   | S. 15(8A)(b) substituted by Nos 121/1994 s. 207(2), 17/2012 s. 84(2).             |

Crown Land (Reserves) Act 1978  
No. 9212 of 1978  
Part 3—General provisions relating to reserved land

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S. 15(8A)(ba)  
inserted by  
No. 121/1994  
s. 207(2).

(ba) Melbourne Water Corporation;

S. 15(8A)(bb)  
inserted by  
No. 121/1994  
s. 207(2),  
substituted by  
No. 66/2000  
s. 50.

(bb) Parks Victoria;

S. 15(8A)(c)  
repealed by  
No. 90/2009  
s. 18(2).

\* \* \* \* \*

(d) any board, committee, commission, trust or other body corporate or unincorporate established by or under any Act for any public purpose.

S. 15(8B)  
inserted by  
No. 9551 s. 5.

(8B) The Minister may direct in relation to any committee of management referred to in subsection (8A) that the provisions of subsection (8) or such one or more than one of those provisions as the Minister specifies shall apply to that committee of management.

(9) The Governor in Council may—

S. 15(9)(a)  
amended by  
Nos 12/1989  
s. 4(1)(Sch. 2  
item 21.9),  
35/2010 s. 15.

(a) annually appoint a person holding a certificate of qualification as a municipal auditor issued by the Local Government Qualifications Board to audit the accounts of any committee of management and every such person shall be entitled to such remuneration from the committee of management as the Governor in Council determines.

S. 15(9)(b)  
repealed by  
No. 43/1995  
s. 16.

\* \* \* \* \*

- (9A) This section applies to a committee of management of any land appointed under section 14 where the land in respect of which the committee is appointed is leased by the Minister under section 17CA and the management of the lease is conferred on the committee by the lease, to the extent that it is not inconsistent with the lease.
- S. 15(9A)  
inserted by  
No. 40/2009  
s. 6.
- (10) In this section *Local Government Qualifications Board* means the Local Government Qualifications Board established under section 102 of the **Local Government Act 1989**.
- S. 15(10)  
inserted by  
No. 12/1989  
s. 4(1)(Sch. 2  
item 21.10).
- 16 Governor in Council may by Order direct that reserved land vest in municipality**
- (1) Subject to subsection (5) the Governor in Council may on the recommendation of the Minister by Order notified in the Government Gazette direct that any land reserved under section 4 shall vest in any Council on trust for the purposes for which the land has been reserved.
- S. 16(1)  
amended by  
Nos 12/1989  
s. 4(1)(Sch. 2  
item 21.11),  
58/2010 s. 47.
- (2) By the same or any subsequent Order the Governor in Council may empower the Council to grant leases or licences for a term not exceeding 21 years of any such vested land for the purposes of the reservation.
- S. 16(2)  
amended by  
Nos 12/1989  
s. 4(1)(Sch. 2  
item 21.11),  
58/2010 s. 47.
- (3) A Council shall not grant any lease or licence of land vested in it under this section other than in accordance with an Order under this section.
- S. 16(3)  
amended by  
Nos 12/1989  
s. 4(1)(Sch. 2  
item 21.11),  
58/2010 s. 47.
- (4) Land shall not be vested in a Council under this section unless the Minister is of the opinion that the land is used principally for the recreation convenience health or enjoyment of the inhabitants of the area in which the land is situated.
- S. 16(4)  
amended by  
Nos 12/1989  
s. 4(1)(Sch. 2  
item 21.11),  
58/2010 s. 47.

S. 16(5)  
amended by  
Nos 12/1989  
s. 4(1)(Sch. 2  
item 21.11),  
58/2010 s. 47.

(5) Land reserved for the purpose of the protection of the coastline shall not be vested in a Council under this section.

S. 16(6)  
amended by  
Nos 12/1989  
s. 4(1)(Sch. 2  
item 21.11),  
74/2000  
s. 3(Sch. 1  
item 31),  
58/2010 s. 47.

(6) Any lease or licence granted by a Council under this section may be subject to such covenants conditions reservations and exceptions as the Council thinks fit.

S. 16(7)  
amended by  
Nos 12/1989  
s. 4(1)(Sch. 2  
item 21.11),  
58/2010 s. 47.

(7) A lease granted by a Council under this section shall be of no force and effect until it is approved by the Governor in Council.

## **17 Powers of trustees or committees of management**

- (1) The Governor in Council may certify that any land reserved under section 4, other than land reserved for the purpose of the protection of the coastline, shall be land to which the provisions of subsection (2) may apply.
- (2) Notwithstanding anything in this Act but subject to any regulations made under section 13 relating to the land concerned the trustees or committee of management of any land certified under subsection (1)—
  - (a) may grant licences to enter and use any portion of such land or any building thereon for any purpose consistent with the purpose of the reservation of the land for a period not exceeding three years;
  - (b) may enter into agreements to operate services and facilities consistent with the purpose of the reservation for a period not exceeding three years; and

(c) may enter into tenancy agreements with persons to erect buildings and other structures for any purpose consistent with the purpose of the reservation and any such agreement—

\* \* \* \* \*

**S. 17(2)(c)(i)  
repealed by  
No. 40/2009  
s. 7.**

(ii) shall be for a specific term which shall not exceed three years;

(iii) shall be subject to termination at any time by direction of the Minister; and

(iv) may provide that the committee requires the tenant to undertake the removal of the building and the clearing of the site to the satisfaction of the committee on the expiry or determination of the agreement.

(3) A licence entered into under paragraph (2)(a) or an agreement entered into under paragraph (2)(b) or (2)(c) shall be subject to such terms and conditions as the trustees or committee of management (as the case may be) think fit.

(4) Any building or structure erected on the land pursuant to an agreement of the type referred to in subsection (2) shall be subject to any Act rule regulation or by-law relating to approval of plans and specifications.

(5) Any moneys received pursuant to any licence or agreement under subsection (2) shall be applied in accordance with the provisions of section 15(1)(e) or 15(1)(f).

- (6) No person or body of persons shall be entitled to receive or shall receive from the Crown any money or consideration in respect of any improvement or any act matter or thing relating to a licence or agreement under subsection (2).

S. 17(7)  
repealed by  
No. 75/1994  
s. 12.

\* \* \* \* \*

S. 17A  
inserted by  
No. 10144 s. 4.

**17A Continuation of uses of reserved land for purposes other than those for which it is reserved—licences and agreements**

- (1) Where, in relation to any land reserved under section 4—
- (a) immediately before the commencement of the **Crown Land (Reserves) (Amendment) Act 1984**—
- (i) a person or body habitually used any portion of the land or any building thereon;
- (ii) a person or body operated services or facilities on the land; or
- (iii) there was a building or structure which had been erected by a person or body on the land;
- (b) the land has not been certified under section 17(1), or the use of the land, operation of the services or facilities or erection of the building or structure (as the case may be) is for a purpose not consistent with the purpose of the reservation of the land;
- (c) the trustees or committee of management of the land or, where there are no trustees or committee of management, the Director-General of Conservation, Forests and Lands

S. 17A(1)(c)  
amended by  
No. 76/1998  
s. 6(d).

or a person authorized by the Director-General certified, before the expiration of one year after the commencement of the **Crown Land (Reserves) (Amendment) Act 1984**, that the habitual use or operation of services or facilities was occurring immediately before the commencement of that Act, or the building or structure was on the land immediately before the commencement of that Act—

notwithstanding anything in this Act and notwithstanding any regulations made under section 13 relating to the land, the trustees or committee of management, or where there are no trustees or committee of management, the Director-General of Conservation, Forests and Lands or a person authorized by the Director-General may, with the approval in writing of the Minister, where the Minister so approves the purpose for which the land or building was used or the service or facility operated or the building or structure erected—

- (d) grant a licence to the person or body to enter and use that portion of the land or that building for a period not exceeding three years;
- (e) enter into an agreement with the person or body to operate the service or facility on the land for a period not exceeding three years;  
or
- (f) enter into a tenancy agreement with the person or body who erected the building or structure—

as the case requires, for the purpose so approved.

S. 17A(2)  
amended by  
No. 96/1994  
s. 48(b).

- (2) Subparagraphs (i) to (iv) of section 17B(1)(c) shall apply to any agreement entered into under paragraph (f) of subsection (1) of this section.
- (3) Subsection (1) shall not apply to land reserved under section 4—
- (a) which is reserved for a purpose specified in paragraph (l), (m), (n), (o) or (ze) of subsection (1) of section 4 or deemed by subsection (6) of that section to be reserved for the protection of the coastline, unless notice has been given by the Governor in Council under section 10(3) of the **Land Conservation Act 1970** of a recommendation in respect of the land made under section 5(1)(a) of that Act and the granting of a licence or entering into of an agreement under paragraph (d), (e) or (f) (as the case may be) of subsection (1) is consistent with the recommendation;
  - (b) which is reserved for a purpose specified in paragraph (w) of subsection (1) of section 4 and referred to in a recommendation in respect of the land made under section 5(1)(a) of the **Land Conservation Act 1970**, notice of which has been given by the Governor in Council under section 10(3) of that Act, as a coastal park, a regional park or a state park, unless the granting of a licence or entering into of an agreement under paragraph (d), (e) or (f) (as the case may be) of subsection (1) is consistent with the recommendation; or
  - (c) which has been placed under the control and management of an authority pursuant to section 18(1).

**17AB Governor in Council may by Order confer certain leasing and licensing powers to Health Minister**

S. 17AB  
inserted by  
No. 40/2009  
s. 8.

- (1) The Governor in Council, on the joint recommendation of the Minister and a Minister who administers a section of the **Health Services Act 1988** (*Health Minister*) may, by Order, confer any one or more of the powers in respect of land reserved under section 4 that are set out in subsections (2) and (3) on the Health Minister.
- (2) For the purposes of subsection (1), the following licensing powers may be conferred on the Health Minister where the land is managed by the trustees or a committee of management—
  - (a) the power to approve in writing the grant of, and purpose of, a licence under section 17B(1) to be granted by the trustees or a committee of management over that land in the Order; and
  - (b) the power to approve the terms and conditions to which a licence under section 17B to be granted by the trustees or a committee of management over the land is subject.
- (3) For the purposes of subsection (1), the following leasing powers may be conferred on the Health Minister—
  - (a) where the land is managed by trustees or a committee of management—
    - (i) the power to approve in writing the grant of, and purpose of, a lease of land under section 17D to be granted by the trustees or committee of management over the land; and

- (ii) the power to approve any covenants, exceptions, reservations and conditions as determined by the trustees or committee of management in relation to a lease of the land granted under section 17D;
  - (b) where there are no trustees or committee of management, the power to grant leases of land under section 17D(1A) for any purpose.
- (4) An Order under subsection (1)—
  - (a) must be published in the Government Gazette; and
  - (b) takes effect on publication or a later date specified in the Order.
- (5) An Order in Council under subsection (1) must specify—
  - (a) the land to which the Order applies;
  - (b) the powers in respect of the land, under section 17B or section 17D that are being conferred on the Health Minister;
  - (c) the period for which the Order will be in force.
- (6) On and after the expiration or cancellation of powers conferred under an Order under this section, if there is in force immediately before the expiration or cancellation a lease or licence to which the Health Minister is a party, the Minister is taken to be substituted for the Health Minister as the party to the licence or lease.
- (7) The Minister continues to have the powers conferred under this Act in respect of the land specified in an Order under this section to the extent that those powers are not conferred on the Health Minister.

(8) The committee of management must notify the Department of Environment, Land, Water and Planning of any licence or lease entered into pursuant to a power conferred by an Order under this section.

S. 17AB(8)  
amended by  
No. 51/2016  
s. 10.

(9) The Minister must not exercise a power conferred by an Order under this section on the Health Minister in relation to land specified in the Order while that Order remains in force.

**17B Licences for purposes other than those for which land is reserved**

S. 17B  
inserted by  
No. 10144 s. 4.

(1) Notwithstanding anything in this Act and notwithstanding any regulations made under section 13 relating to the land concerned, the trustees or committee of management of any land reserved under section 4 or, where there are no trustees or committee of management of any land reserved under section 4, the Secretary or any person authorized by the Secretary may, with the approval in writing of the responsible Minister given in accordance with subsection (3), for any purpose so approved by the responsible Minister—

S. 17B(1)  
amended by  
Nos 76/1998  
s. 6(e),  
40/2009  
s. 9(a).

(a) grant licences to enter and use any portion of the land or any building thereon for a period not exceeding 10 years;

S. 17B(1)(a)  
amended by  
No. 40/2009  
s. 9(b).

(b) enter into agreements to operate services and facilities on the land for a period not exceeding 10 years; and

S. 17B(1)(b)  
amended by  
No. 40/2009  
s. 9(b).

(c) enter into tenancy agreements with persons to erect buildings and other structures and any such agreement—

\* \* \* \* \*

S. 17B(1)(c)(i)  
repealed by  
No. 40/2009  
s. 9(c).

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S. 17B(1)(c)(ii)  
amended by  
No. 40/2009  
s. 9(d).

(ii) shall be for a specific term which shall not exceed 10 years;

S. 17B(1)(c)(iii)  
amended by  
No. 40/2009  
s. 9(a).

(iii) shall be subject to termination at any time by direction of the responsible Minister; and

S. 17B(1)(c)(iv)  
amended by  
No. 76/1998  
s. 6(e)(ii).

(iv) may provide that the trustees or the committee or the Secretary (as the case may be) requires the tenant to undertake the removal of the building and the clearing of the site to the satisfaction of the trustees or committee or Secretary on the expiry or determination of the agreement.

(2) Subsection (1) shall not apply to land reserved under section 4—

S. 17B(2)(a)  
amended by  
No. 48/1993  
s. 6(1)(a)(b).

(a) which is reserved for a purpose specified in paragraph (l), (m), (n), (o), (w) or (ze) of subsection (1) of section 4 or deemed by subsection (6) of that section to be reserved for the protection of the coastline unless—

(i) notice has been given by the Governor in Council under section 10(3) of the **Land Conservation Act 1970** of a recommendation in respect of the land made under section 5(1)(a) of that Act and the granting of a licence or entering into of an agreement under paragraph (a), (b) or (c) (as the case may be) of subsection (1) is consistent with the recommendation; or

S. 17B(2)(a)(ii)  
inserted by  
No. 48/1993  
s. 6(1)(b).

(ii) in the case of land for which there is no recommendation of a kind referred to in subparagraph (i), the Minister is satisfied that there are special reasons which make the granting of the licence

or entering into the agreement reasonable and appropriate in the particular circumstances and that to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under this Act; or

- (b) which has been placed under the control and management of an authority pursuant to section 18(1).
- (3) The Minister must not give approval under subsection (1) unless—
- (a) in the case of land referred to in subsection (2)(a)(ii), he or she states in the approval that there are special reasons which make granting the licence or entering into the agreement reasonable and appropriate in the particular circumstances and that to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under this Act; or
- (b) in the case of any other land, he or she is satisfied that the purpose for which the licence is to be granted or the agreement entered into is not detrimental to the purpose for which the land is reserved.
- (4) A licence entered into under paragraph (1)(a) or an agreement entered into under paragraph (1)(b) or (1)(c) shall be subject to such terms and conditions as the trustees or committee of management or Secretary or person authorized by the Secretary (as the case may be) thinks fit and as are approved by the Minister.

**S. 17B(3)**  
**substituted by**  
**No. 48/1993**  
**s. 6(2).**

**S. 17B(4)**  
**amended by**  
**No. 76/1998**  
**s. 6(e)(ii).**

S. 17B(5)  
amended by  
No. 96/1994  
s. 48(c).

- (5) Any building or structure created on the land and any use of the land pursuant to an agreement referred to in subsection (1) shall be subject to any Act rule regulation or by-law relating to approval of plans and specifications or to control of land use, including, without limiting the generality of the foregoing, the **Planning and Environment Act 1987** and any regulation or instrument made thereunder.
- (6) No person or body shall be entitled to receive or shall receive from the Crown any money or consideration in respect of any improvement or any act matter or thing relating to a licence or agreement under subsection (1).

S. 17BAA  
inserted by  
No. 40/2009  
s. 10.

**17BAA Licence may be granted for term greater than 10 years in some circumstances**

- (1) Despite section 17B(1), where land reserved under section 4 is managed by trustees or a committee of management, the trustees or committee of management may, with the approval in writing of the Minister given in accordance with subsection (6), grant a licence under section 17B(1) if the proposed licensee is leasing—
  - (a) land adjacent to the land in respect of which the licence may be granted; and
  - (b) the adjacent land is under the management of the trustees or committee of management.
- (2) A licence granted under subsection (1) may be for a period not exceeding whichever is the lesser of the following—
  - (a) 21 years;
  - (b) the term of the lease granted in respect of the adjacent land.

- (3) Despite section 17B(1), where there are no trustees or committee of management of land reserved under section 4, the Secretary or any person authorized by the Secretary may, with the approval in writing of the Minister given in accordance with subsection (6) grant a licence under section 17B(1) if the proposed licensee is leasing land adjacent to the land in respect of which the licence may be granted.
- (4) A licence granted under subsection (3) may be for a period not exceeding whichever is the lesser of the following—
  - (a) 21 years;
  - (b) the term of the lease granted in respect of the adjacent land.
- (5) The trustees or committee of management in granting a licence under subsection (1), or the Secretary in granting a licence under subsection (3), 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 for the adjacent land.
- (6) The Minister must not give approval under subsection (1) or (3) unless he or she is satisfied that the purpose for which the licence is to be granted is not detrimental to the purpose for which the land is reserved.

**17BA Licence granted to generation company**

Despite section 17B(1)(a), a licence may be granted under that section 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.

S. 17BA  
inserted by  
No. 48/1996  
s. 25,  
amended by  
No. 69/2000  
s. 48(1).

S. 17C  
inserted by  
No. 10144 s. 4.

**17C Continuation of uses of land for purposes other than those for which it is reserved—leases**

- (1) Where in relation to land reserved under section 4—
- (a) immediately before the commencement of the **Crown Land (Reserves) (Amendment) Act 1984** a person or body habitually used any part of the land for a purpose other than the purpose for which it is reserved; and
  - (b) the trustees or committee of management of the land or, where there are no trustees or committee of management, the Director-General of Conservation, Forests and Lands or a person authorized by the Director-General certified before the expiration of one year after the commencement of the **Crown Land (Reserves) (Amendment) Act 1984** that the habitual use had taken place immediately before the commencement of that Act—

S. 17C(1)(b)  
amended by  
No. 76/1998  
s. 6(f).

notwithstanding anything in this Act and notwithstanding any regulations made under section 13 relating to the land, the trustees or committee of management of the land may, with the approval in writing of the Minister, if the Minister so approves of the purpose for which the land has been habitually used, grant a lease of that part of the reserved land for that purpose and where there are no trustees or committee of management of the land, the Minister may grant such a lease for the purpose for which the land has been habitually used.

- (2) Subsection (1) shall not apply to land reserved under section 4—
- (a) which is reserved for a purpose specified in paragraph (l), (m), (n), (o) or (ze) of subsection (1) of section 4 or deemed by subsection (6) of that section to be reserved for the protection of the coastline unless notice has been given by the Governor in Council under section 10(3) of the **Land Conservation Act 1970** of a recommendation made under section 5(1)(a) of that Act and the granting of a lease under subsection (1) is consistent with the recommendation;
  - (b) which is reserved for a purpose specified in paragraph (w) of subsection (1) of section 4 and referred to in a recommendation made under section 5(1)(a) of the **Land Conservation Act 1970**, notice of which has been given by the Governor in Council under section 10(3) of that Act, as a coastal park, a regional park or a state park, unless the granting of a lease under subsection (1) is consistent with the recommendation; or
  - (c) which has been placed under the control and management of an authority pursuant to section 18(1).

**17CA Leases for up to 65 years for other purposes**

- (1) Subject to section 17CC(1), where land reserved under section 4 is managed by trustees or a committee of management, despite any vesting of the land in the trustees or committee of management, the Minister may lease any part of the land for a specific term that is more than 21 years, but not more than 65 years, if the Minister is satisfied that—

S. 17CA  
inserted by  
No. 40/2009  
s. 11.

- (a) the purpose for which the lease is to be granted is not detrimental to the purpose for which the land is reserved; and
  - (b) the proposed use, development, improvements or works that are specified in the lease are of a substantial nature and of a value which justifies a longer term lease; and
  - (c) the granting of a longer term lease is in the public interest.
- (2) Where there are no trustees or committee of management for land reserved under section 4, the Minister may lease any part of the land for a specific term that is more than 21 years, but not more than 65 years, if the Minister is satisfied that—
- (a) the purpose for which the lease is to be granted is not detrimental to the purpose for which the land is reserved; and
  - (b) the proposed use, development, improvements or works that are specified in the lease are of a substantial nature and of a value which justifies a longer term lease; and
  - (c) the granting of a longer term lease is in the public interest.
- (3) The Minister must not enter into a lease under subsection (1) or (2) in respect of any land that is—
- (a) reserved for a purpose specified in section 4(1)(l), (m), (n) or (o); or
  - (b) specified in Part 1 or Part 3 of the Fifth Schedule.

- (4) The Minister must not enter into a lease under subsection (1) or (2) of land that is—
- (a) reserved for a purpose specified in section 4(1)(w) or (ze); or
  - (b) deemed by section 4(6) to be reserved for the protection of the coastline—
- unless the Minister has, by determination, given notice of his or her intention to do so, and—
- (c) the Minister has laid the determination before each House of Parliament; and
  - (d) the determination has not been disallowed by either House of Parliament.
- (5) The Minister must publish a determination under subsection (4) in the Government Gazette.
- (6) The Minister may, for the purposes of entering into a lease of any reserved land under subsection (1) or (2), enter into an agreement to lease that land.
- (7) If the Minister enters into an agreement to lease reserved land under subsection (6) and the agreement to lease gives a right to occupy the land for a period of time, that period and the period of any lease entered into consequent on the agreement must not exceed, when added together, the maximum lease term permitted under this section.

**17CB Parliamentary scrutiny of the leasing of certain land**

- (1) A determination that is laid before each House of Parliament under section 17CA(4) is disallowed in whole or in part if—
- (a) a notice of a resolution to disallow the determination is given in a House of the Parliament on or before the 5th sitting day of

S. 17CB  
inserted by  
No. 40/2009  
s. 11.

- that House after the determination is laid before the House; and
- (b) the resolution is passed by that House on or before the 10th sitting day of that House after the giving of the notice of the resolution.
- (2) A notice under subsection (1) may be expressed to apply to the whole or to any part of the determination.
- (3) A resolution that is passed under subsection (1) has effect according to its tenor.
- (4) If a House of Parliament is prorogued or the Legislative Assembly is dissolved—
- (a) the prorogation or dissolution does not affect the power of the House to pass a resolution under subsection (1); and
- (b) the calculation of sitting days of the House is to be made as if there had been no prorogation or dissolution.

S. 17CC  
inserted by  
No. 40/2009  
s. 11.

**17CC Role of committee of management for leases granted under section 17CA**

- (1) Before granting a lease of land under section 17CA(1), the Minister must consult with the trustees or committee of management for that land.
- (2) If the Minister grants a lease of land under section 17CA(1), the lease may provide for the management of the lease to be carried out by the trustees or committee of management.
- (3) A power to manage a lease that may be given to trustees or a committee of management under a lease under subsection (2)—

- (a) does not extend to empowering the trustees or committee of management to vary, amend or terminate the lease;
  - (b) if the lease so provides, may extend to empowering the trustees or committee of management to collect any tolls, fees, rents, royalties or other charges that may be imposed in respect of the land.
- (4) Any money collected or retained by trustees or a committee of management under the lease must be expended on the land in respect of which the money has been collected or retained.

**17D Leases for up to 21 years for other purposes**

S. 17D  
(Heading)  
inserted by  
No. 40/2009  
s 12(1).  
S. 17D  
inserted by  
No. 10144 s. 4.

- (1) Where land reserved under section 4 is managed by trustees or a committee of management, the trustees or committee of management may, with the approval of the responsible Minister under subsection (3), lease any part of the land for any purpose approved by the responsible Minister, for a specific term of not more than 21 years. S. 17D(1)  
substituted by  
No. 40/2009  
s. 12(2).
- (1A) Where there are no trustees or committee of management of land reserved under section 4, the responsible Minister may lease any part of the land for a specific term of not more than 21 years. S. 17D(1A)  
inserted by  
No. 40/2009  
s. 12(2).
- (1B) The responsible Minister or the trustees or committee of management with the approval in writing of the responsible Minister may, for the purposes of entering into a lease of any reserved land under subsection (1) or (1A), enter into an agreement to lease that land. S. 17D(1B)  
inserted by  
No. 40/2009  
s. 12(2).

S. 17D(1C)  
inserted by  
No. 40/2009  
s. 12(2).

(1C) If the responsible Minister or the trustees or committee of management enter into an agreement to lease reserved land under subsection (1B) and the agreement to lease gives a right to occupy the land for a period of time, that period and the period of any lease entered into consequent on the agreement must not exceed, when added together, the maximum lease term permitted under this section.

S. 17D(2)  
amended by  
No. 40/2009  
s. 12(3)(a).

(2) A lease must not be entered into under subsection (1) or (1A) in relation to land reserved under section 4—

S. 17D(2)(a)  
amended by  
No. 48/1993  
s. 7(1)(a)(b).

(a) which is reserved for a purpose specified in paragraph (l), (m), (n), (o), (w) or (ze) of subsection (1) of section 4 or is deemed by subsection (6) of that section to be reserved for the protection of the coastline unless—

S. 17D(2)(a)(i)  
amended by  
No. 40/2009  
s. 12(3)(b).

(i) notice has been given by the Governor in Council under section 10(3) of the **Land Conservation Act 1970** of a recommendation in respect of the land made under section 5(1)(a) of that Act and the granting of a lease under subsection (1) or (1A) is consistent with the recommendation; or

S. 17D(2)(a)(ii)  
inserted by  
No. 48/1993  
s. 7(1)(b),  
amended by  
No. 40/2009  
s. 12(3)(c).

(ii) in the case of land for which there is no recommendation of a kind referred to in subparagraph (i), the responsible Minister is satisfied that there are special reasons which make granting the lease reasonable and appropriate in the particular circumstances and that to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under this Act; or

- (b) which has been placed under the control and management of an authority pursuant to section 18(1).
- (3) The responsible Minister must not give approval under subsection (1) unless—
- (a) in the case of land referred to in subsection (2)(a)(ii) he or she states in the approval that there are special reasons which make granting the lease reasonable and appropriate in the particular circumstances and that to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under this Act; or
- (b) in the case of any other land, he or she is satisfied that the purpose for which the lease is to be granted is not detrimental to the purpose for which the land is reserved.
- (4) A lease granted under subsection (1) or under section 17C—
- \* \* \* \* \*
- (c) shall be subject to such covenants, exceptions, reservations and conditions as are determined by the trustees or committee of management and approved by the responsible Minister, or where there are no trustees or committee of management, as are determined by the responsible Minister.
- (5) Any building or structure created on the land and any use of the land pursuant to a lease referred to in subsection (1) or (1A) shall be subject to any Act rule regulation or by-law relating to approval of plans and specifications, or to control of land use including, without limiting the generality of
- S. 17D(3) substituted by No. 48/1993 s. 7(2), amended by No. 40/2009 s. 12(4).**
- S. 17D(4)(a)(b) repealed by No. 40/2009 s. 12(5)(a).**
- S. 17D(4)(c) amended by No. 40/2009 s. 12(5)(b).**
- S. 17D(5) amended by Nos 45/1987 s. 205(Sch. item 12), 40/2009 s. 12(6).**

the foregoing, the **Planning and Environment Act 1987** or any regulation or instrument made under that Act.

S. 17D(6)  
inserted by  
No. 48/1996  
s. 26,  
amended by  
No. 40/2009  
s. 12(7).

- (6) A lease under subsection (1) or (1A) may be granted—
- (a) without being limited to a particular stratum of reserved land; or
  - (b) for a stratum of reserved land.

S. 17D(7)  
inserted by  
No. 48/1996  
s. 26,  
amended by  
No. 40/2009  
s. 12(8).

- (7) The responsible Minister must not grant a lease under subsection (1) or (1A) for a stratum of reserved land unless he or she is satisfied that—
- (a) each lessee for the time being under the lease can obtain reasonable access to and use of the land to be leased; and
  - (b) the granting of the lease 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 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
  - (d) 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.

- (8) The granting under subsection (1) or (1A) of a lease of a stratum of reserved land is conclusive proof of compliance with subsection (7) in respect of the lease.

S. 17D(8)  
inserted by  
No. 48/1996  
s. 26,  
amended by  
No. 40/2009  
s. 12(9).

#### **17DAA Leases granted to generation company**

Despite section 17D(4)(a), a lease may be granted under section 17D for a term not exceeding 99 years 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. 17DAA  
inserted by  
No. 48/1996  
s. 27,  
amended by  
No. 69/2000  
s. 48(2).

#### **17DA Parliamentary scrutiny of certain approvals**

- (1) An approval that includes a statement referred to in section 17B(3)(a) or 17D(3)(a) must be given by the Minister by Order published in the Government Gazette.
- (2) An Order under subsection (1) may be disallowed by resolution of either House of the Parliament.
- (3) Sections 15, 22, 23 and 24 of the **Subordinate Legislation Act 1994** apply to an Order published under subsection (1) and a resolution referred to under subsection (2) as if—
- (a) the Order were a statutory rule within the meaning of that Act notice of which had been published in the Government Gazette on the day on which the Order was so published; and
- (b) in section 23(2)(a) of that Act for "18th" there were **substituted** "5th"; and
- (c) in section 23(2)(b) of that Act for "12th" there were **substituted** "10th"; and

S. 17DA  
inserted by  
No. 48/1993  
s. 8.

S. 17DA(3)  
amended by  
No. 40/2009  
s. 13(1).

S. 17DA(3)(b)  
substituted by  
No. 40/2009  
s. 13(2).

S. 17DA(3)(c)  
substituted by  
No. 40/2009  
s. 13(2).

- (d) disallowance by either House of the Parliament were disallowance by Parliament.
- (4) An Order under subsection (1) comes into force, if it is not disallowed by either House of Parliament, on the day after the last day on which it could have been so disallowed.

S. 17E  
inserted by  
No. 10144 s. 4.

### **17E Use of reserved land for car parks**

S. 17E(1)  
amended by  
No. 76/1998  
s. 6(g)(i)(ii).

- (1) Notwithstanding anything in this Act and notwithstanding any regulations made under section 13 relating to the land concerned the trustees or committee of management of any land reserved under section 4 or, where there are no trustees or committee of management for any land reserved under section 4, the Secretary or a person authorized by the Secretary may, subject to and in accordance with the approval in writing of the Minister make available for use as a car park (at times and on conditions so approved by the Minister) by persons who do not use the land for the purposes for which it is reserved, any part of the land which is set aside for use as or used as a car park by persons who use the land for the purposes for which it is reserved.
- (2) The Minister shall not grant any approval under subsection (1) unless—
- (a) the application includes a sketch plan of the relevant portion of the reserved land with the car park in relation to which the application is made clearly marked; and
- (b) the Minister is satisfied that—
- (i) there is a community need for the area to be used as a car park by persons other than those who use the land for the purpose for which it is reserved;

- (ii) the use of the car park by persons who do not use the land for the purposes for which it is reserved at the times and on the conditions for which approval is sought will not interfere with the use of the car park by persons who use the land for the purpose for which it is reserved; and
  - (iii) the council of any municipality in which the land is situated has been consulted concerning the use of the car park.
- (3) The Minister may amend or revoke an approval given for the purposes of subsection (1).
  - (4) Subsection (1) shall not apply to land which has been placed under the control and management of an authority pursuant to section 18(1).

**17F Leases may contain options for renewal and overholding clauses**

S. 17F  
inserted by  
No. 96/1994  
s. 47.

- (1) Without limiting any other provision of this Act, a lease or a tenancy agreement under this Act may contain—
  - (a) options for the lessee or tenant to renew the lease or tenancy agreement for a further term or terms; and
  - (b) provision for a lessee or tenant to remain in occupation of the land under the same terms and conditions as existed under the lease or tenancy agreement, at the discretion of the lessor, for a period not exceeding 3 months from the expiry of the lease or tenancy agreement.
- (2) If a lease or tenancy agreement contains options for renewal by the lessee or tenant, the aggregate of the original term and the further term or terms must not exceed the maximum term for which,

apart from this section, the lease or tenancy agreement may be granted.

S. 17G  
inserted by  
No. 40/2009  
s. 14.

**17G 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. 17H  
inserted by  
No. 12/2016  
s. 19.

**17H Use of reserved land for apiculture**

On and from the commencement of section 19 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016**, a licence over reserved land for a purpose relating to apiculture may only be granted under section 17 or 17B by a trustee or a committee of management (other than a committee of management that is Parks Victoria).

**Note**

See sections 141 to 149 of the **Land Act 1958**.

S. 17I  
inserted by  
No. 12/2016  
s. 19.

**17I Transitional provision—Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016**

A licence granted under section 17 or 17B for a purpose relating to apiculture by a committee of management that is Parks Victoria or by the Secretary, and in force immediately before the commencement of section 19 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016**, continues in force subject to its terms and conditions on and after that commencement until the earliest of the following occurs—

- (a) the licence expires;
- (b) the licence is cancelled;

- (c) a bee site licence is granted under section 142 of the **Land Act 1958** to the holder of the licence granted under section 17 or 17B in respect of more or less the same land.

### **17J Purpose relating to apiculture**

A licence referred to in section 17H or 17I is taken to be granted for a purpose relating to apiculture if it permits the licensee—

- (a) to keep bee hives on the licensed land; or  
(b) to enable the licensee's bees to forage over the licensed land for nectar or pollen.

S. 17J  
inserted by  
No. 12/2016  
s. 19.

### **18 Management and control of reserved land**

- (1) The Governor in Council on the recommendation of the Minister given with the concurrence of the responsible Minister may by Order published in the Government Gazette place any land temporarily or permanently reserved under section 4 under the control and management of the Secretary, the Rural Water Commission, a metropolitan water corporation within the meaning of the **Water Act 1989**, or Melbourne Water Corporation.

S. 18(1)  
amended by  
Nos 41/1987  
ss 103(Sch. 4  
items 9.8–  
9.11), 116(8),  
96/1994  
s. 48(d),  
121/1994  
s. 207(3),  
76/1998  
s. 6(h),  
66/2000  
s. 51(1)(2),  
17/2012  
s. 84(3).

- (1A) The land described in Division 1 of Part 2 of the Fifth Schedule is placed under the control and management of the Secretary for the purposes of section 19B of the **National Parks Act 1975**.

S. 18(1A)  
inserted by  
No. 50/2002  
s. 17(1),  
amended by  
No. 64/2004  
s. 26.

- (1B) Any land that is a forest park is placed under the control and management of the Secretary for the purposes of section 18A of the **Forests Act 1958**.

S. 18(1B)  
inserted by  
No. 60/2005  
s. 32(1),  
substituted by  
No. 54/2008  
s. 14.

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- S. 18(2)  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
item 9.12),  
76/1998  
s. 6(h),  
50/2002  
s. 17(2),  
60/2005  
s. 32(2).
- (2) Where any land is placed under the control and management of an authority or the Secretary pursuant to subsection (1), (1A) or (1B) the provision of sections 13, 14, 15, 16 and 17 shall not apply.
- S. 18(3)  
amended by  
No. 41/1987  
s. 103(Sch. 4  
items 9.15,  
9.16).
- (3) In subsection (1) *responsible Minister* means—
- S. 18(3)(a)  
repealed by  
No. 41/1987  
s. 103(Sch. 4  
item 9.13).
- \*            \*            \*            \*            \*
- S. 18(3)(b)  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
item 9.14),  
81/1989  
s. 3(Sch.  
item 8.4).
- (b) in respect of an Order placing any land under the control and management of the Rural Water Commission, the Minister administering the **Water Act 1989**;
- S. 18(3)(c)  
substituted by  
No. 121/1994  
s. 207(4),  
amended by  
No. 66/2000  
s. 51(3)(a),  
substituted by  
No. 17/2012  
s. 84(4).
- (c) in the case of an Order placing any land under the control of a metropolitan water corporation within the meaning of the **Water Act 1989** or Melbourne Water Corporation, the Minister administering the **Water Act 1989**; and
- S. 18(3)(d)  
amended by  
No. 41/1987  
s. 116(8),  
substituted by  
No. 66/2000  
s. 51(3)(b).
- (d) in the case of an order placing land under the control and management of the Secretary, being land to which section 19B of the **National Parks Act 1975** is to apply, the Minister administering that Act.

\* \* \* \* \*

S. 18(3)(e)  
repealed by  
No. 41/1987  
s. 103(Sch. 4  
item 9.17).

**18A Agreement with electricity company—reserved land**

S. 18A  
inserted by  
No. 48/1996  
s. 28,  
substituted by  
No. 55/1997  
s. 25 (as  
amended by  
No. 91/1997  
s. 44(f)).

(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 reserved 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. 18A(3)  
def. of  
*electricity company*  
amended by  
No. 69/2000  
s. 48(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.

S. 18B  
inserted by  
No. 66/2000  
s. 52,  
amended by  
No. 82/2009  
s. 25,  
substituted by  
No. 62/2010  
s. 111.

### **18B Power of Secretary to enter into management agreements**

- (1) The Secretary, with the approval of the Minister, may enter into a management agreement with any person with respect to—
  - (a) the whole or part of land temporarily or permanently reserved under this Act; or
  - (b) the carrying out of specified functions, powers or duties in relation to the management of the whole or any part of any land temporarily or permanently reserved under this Act.
- (2) An agreement under subsection (1) must not extend to any land that is vested in another person or body or to the carrying out of any function, power or duty in relation to the management of land that is conferred on another person or body.
- (3) The Secretary may enter into a management agreement with a Traditional Owner Land Management Board for or relating to—
  - (a) the management of any land, that is reserved 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 land that is reserved under this Act, that is appointed land of that Board.

- (4) An agreement under subsection (3) must not extend to the carrying out of any management duty of the Secretary that is conferred on another person or body.
- (5) In entering into a management agreement under subsection (3), the Secretary must have regard to any traditional owner land management agreement in relation to the land.

**19 Trustees of permanent reserves may surrender land to Crown**

No. 6284  
s. 22B.

- (1) Where any land permanently reserved under section 4 has been granted to trustees, the trustees for the time being, with the consent in writing of the Governor in Council and any lessee of the land, may notwithstanding any encumbrances trusts conditions restrictions limitations or reservations contained in the Crown grant thereof surrender the land to Her Majesty.
- (2) Upon the surrender of any land pursuant to this section the Crown grant of the land shall be revoked made void and annulled and the land shall be deemed to be unalienated land of the Crown freed and discharged from all encumbrances trusts conditions restrictions limitations and reservations.
- (3) Where land is surrendered pursuant to this section—
  - (a) the permanent reservation of the land under section 4 shall not be affected;
  - (b) the committee of management (if any) of the land shall continue to be the committee of management thereof;
  - (c) the trustees shall be freed and discharged from all further duties and liabilities under the trust in respect of the land.

No. 6292 s. 22.  
S. 19(4)  
amended by  
No. 80/1988  
s. 55(2).

(4) Nothing in this section shall limit the operation of section 42 of the **Libraries Act 1988**.

S. 20  
(Heading)  
inserted by  
No. 7/2012  
s. 20(1).

## 20 Procuring of forest produce on reserved land

S. 20(1)  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
item 9.18),  
76/1998  
s. 6(h),  
48/2004 s. 134.

(1) Notwithstanding anything in the **Forests Act 1958** the Secretary shall not use or permit or authorize any person or body to use any land reserved under section 4 for the procuring or the production of any forest produce (within the meaning of the **Forests Act 1958**) without the prior consent of the person or body having control and management of the land.

S. 20(1A)  
inserted by  
No. 46/2012  
s. 15.

(1A) Subsection (1) does not apply to a determination of a firewood collection area by the Secretary under section 21P.

S. 20(2)  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
item 9.18),  
76/1998  
s. 6(h),  
repealed by  
No. 7/2012  
s. 20(2).

\* \* \* \* \*

S. 20(3)  
amended by  
Nos 41/1987  
s. 103(Sch. 4  
item 9.18),  
76/1998  
s. 6(h),  
repealed by  
No. 7/2012  
s. 20(3).

\* \* \* \* \*

**20A Land to be managed consistently with joint management plan**

S. 20A  
inserted by  
No. 62/2010  
s. 112.

If any appointed land of a Traditional Owner Land Management Board constitutes the whole or a part of land reserved 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.

**21 Trustees of reserves to be deemed occupiers**

No. 6284  
s. 224.  
S. 21  
amended by  
Nos 96/1994  
s. 48(e),  
31/2013 s. 4  
(ILA s. 39B(1)).

(1) The word *owners* in section 16 of the **Fences Act 1968** shall for the purposes of that section be deemed to include the trustees or persons having the care control or management of any land whether permanently reserved or not.

S. 21(1)  
amended by  
No. 30/2014  
s. 12.

(2) Subsection (1) as in force immediately before the commencement of section 4 of the **Justice Legislation Amendment Act 2013** continues to apply in relation to a right or liability arising in relation to a fence or proposed fence for which a notice to fence was served under section 6 of the **Fences Act 1968** before that commencement.

S. 21(2)  
inserted by  
No. 31/2013  
s. 4(2).

**21AA Offence to construct, remove, alter, or carry out maintenance on, a levee on reserved land**

S. 21AA  
inserted by  
No. 53/2014  
s. 9.

- (1) A person must not—
- (a) construct, remove or alter a levee on land reserved under this Act; or

(b) carry out maintenance on a levee on land reserved under this Act.

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**.

(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—

*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**.

S. 21AA(2A)  
inserted by  
No. 43/2015  
s. 35.

## **Part 3A—Tour operator licences**

Pt 3A  
(Heading and  
ss 21A–21J)  
inserted by  
No. 40/2009  
s. 15.

### **21A Offence to conduct organised tour or recreational activity on reserved land if unlicensed**

S. 21A  
inserted by  
No. 40/2009  
s. 15.

- (1) A person must not conduct an organised tour or recreational activity for profit on land reserved under section 4 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 land reserved under section 4 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).

### **21B Grant of tour operator licence**

S. 21B  
inserted by  
No. 40/2009  
s. 15.

- (1) The land manager, with the approval of the Minister in writing, may grant a licence to a person to conduct an organised tour or recreational activity for profit on land reserved under section 4 to a person who has applied under section 21C.
- (2) The land manager may grant a licence under subsection (1) for a period not exceeding 10 years.

S. 21C  
inserted by  
No. 40/2009  
s. 15.

### **21C Application for tour operator licence**

- (1) A person may apply for a tour operator licence to the land manager of the land reserved under section 4 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 21B.

S. 21D  
inserted by  
No. 40/2009  
s. 15.

### **21D Requirement to pay annual licence fees after grant of tour operator licence**

- (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. 21E  
inserted by  
No. 40/2009  
s. 15.

### **21E Tour operator licence conditions**

A tour operator licence is subject to—

- (a) any conditions determined by the land manager that are specified or referred to in the licence; and
- (b) any prescribed conditions.

**21F 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. 21F  
inserted by  
No. 40/2009  
s. 15.

**21G Variation of tour operator licence**

- (1) The holder of a tour operator licence may apply to the land manager for a variation of the licence or a condition of the licence.
- (2) On receiving the application under subsection (1), the land manager may vary the licence or condition in accordance with the application.
- (3) A variation made by the land manager under subsection (2) has effect on the land manager giving written notice of the variation to the licence holder.
- (4) The land manager may vary a tour operator licence, or vary a condition of that licence, of the land manager's own motion if the land manager is of the opinion that a variation is required.
- (5) A variation made by the land manager under subsection (4) has effect on the land manager giving written notice of the variation to the licence holder.

S. 21G  
inserted by  
No. 40/2009  
s. 15.

**21H Suspension of tour operator licence**

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

S. 21H  
inserted by  
No. 40/2009  
s. 15.

- (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 21I, 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 21I;
  - (b) specify a date or period by which the submissions must be made.

S. 21I  
inserted by  
No. 40/2009  
s. 15.

#### **21I Making submissions on suspension**

- (1) The holder of a tour operator licence whose licence has been suspended under section 21H may make written submissions in respect of that suspension to the land manager within the period specified in the notice of suspension of licence.
- (2) The land manager 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 land manager—
  - (a) must have regard to the submissions made under subsection (1); and
  - (b) may decide to continue, revoke or amend the suspension.
- (4) The land manager must notify the person whose licence has been suspended of the outcome of review.

## **21J Cancellation of tour operator licence**

**S. 21J  
inserted by  
No. 40/2009  
s. 15.**

- (1) The land manager may cancel a tour operator licence if the land manager 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 land manager must—
  - (a) notify the holder that the land manager proposes to cancel the licence; and
  - (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 tour operator licence, the land manager 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 land manager's decision under subsection (4), which must be after the day on which the notice is given.

Pt 3B  
(Heading and  
ss 21K–21Z)  
inserted by  
No. 46/2012  
s. 16.

## **Part 3B—Cutting or taking away fallen or felled trees for domestic use as firewood**

S. 21K  
inserted by  
No. 46/2012  
s. 16.

### **21K Definitions**

In this Part—

*nominating person* means a person who—

- (a) in accordance with section 21M  
nominates another person to cut and  
take away fallen or felled trees; or
- (b) in accordance with section 57R of the  
**Forests Act 1958** nominates another  
person to cut and take away fallen or  
felled trees;

*nominee* means a person nominated—

- (a) in accordance with section 21M to cut  
and take away fallen or felled trees on  
behalf of the nominating person; or
- (b) in accordance with section 57R of the  
**Forests Act 1958** to cut and take away  
fallen or felled trees on behalf of the  
nominating person.

S. 21L  
inserted by  
No. 46/2012  
s. 16.

### **21L Offence to cut or take away fallen or felled trees outside firewood collection area and season**

- (1) A person must not cut or take away 2 cubic metres  
or less of fallen or felled trees from land reserved  
under this Act.

Penalty: 20 penalty units.

- (2) A person must not cut or take away more than 2 cubic metres of fallen or felled trees from land reserved under this Act.

Penalty: 50 penalty units or imprisonment for 1 year or both.

- (3) Subsections (1) and (2) do not apply to a person who—

(a) cuts or takes away fallen or felled trees from land reserved under this Act in accordance with a lease, licence, permit or authorisation held by the person under this Act or any other Act; or

(b) cuts or takes away fallen or felled trees from land reserved under this Act in accordance with the regulations or regulations under any other Act.

- (4) Subsections (1) and (2) do not apply to a person who cuts or takes away fallen or felled trees if—

(a) the person cuts or takes away the fallen or felled trees—

(i) in a firewood collection area; and

(ii) during a firewood collection season applying to that area; and

(b) the person cuts or takes away the fallen or felled trees for domestic use as firewood in the person's household or a nominating person's household.

**21M Person may nominate another to cut and take away fallen or felled trees for firewood**

S. 21M  
inserted by  
No. 46/2012  
s. 16.

- (1) A person who is unable to cut and take away fallen or felled trees may nominate another person to cut and take away fallen or felled trees on his or her behalf.

- (2) A nomination under subsection (1) must—
- (a) be made in the prescribed form; and
  - (b) specify the maximum amount (not exceeding 16 cubic metres) of fallen or felled trees that may be cut and taken away by the nominee in a financial year.
- (3) A person must not specify a maximum amount of fallen or felled trees in a nomination if that amount would exceed 16 cubic metres for a financial year when added to all maximum amounts specified in—
- (a) any other nominations made by the person, whether under this section or section 57R of the **Forests Act 1958**; and
  - (b) any nominations made by members of the person's household, whether under this section or section 57R of the **Forests Act 1958**.

Penalty: 50 penalty units or imprisonment for 1 year or both.

- (4) A person must not nominate another person to cut and take away fallen or felled trees other than for domestic use for firewood in the nominating person's household.

Penalty: 50 penalty units or imprisonment for 1 year or both.

- (5) A person nominated to cut and take away fallen or felled trees must not request or accept payment or reward for the cutting and taking away of fallen or felled trees.

Penalty: 50 penalty units or imprisonment for 1 year or both.

**21N Firewood collection season**

S. 21N  
inserted by  
No. 46/2012  
s. 16.

Subject to section 21O, the following firewood collection seasons apply in each financial year to a firewood collection area—

- (a) the period commencing on 1 September and ending on 30 November; and
- (b) the period commencing on 1 March and ending on 30 June.

**21O Secretary may vary firewood collection season**

S. 21O  
inserted by  
No. 46/2012  
s. 16.

- (1) The Secretary may make a determination varying the commencement date or end date of a firewood collection season in a particular financial year as it applies to—
  - (a) all firewood collection areas; or
  - (b) all firewood collection areas located in a specified regional park.
- (2) The Secretary must not make a determination under subsection (1) unless the Secretary considers the variation is necessary because of a condition, or likely condition, of fire danger that poses risk, or is likely to pose risk, to public safety.
- (3) A determination varying a firewood collection season must be published in the Government Gazette.
- (4) A determination varying a firewood collection season comes into operation on—
  - (a) the date on which it is published in the Government Gazette; or
  - (b) any later date specified in the determination.

S. 21P  
inserted by  
No. 46/2012  
s. 16.

## **21P Secretary may determine firewood collection areas**

- (1) Subject to subsection (2), the Secretary may determine an area of land to be a firewood collection area if it is—
  - (a) part of the land described in Division 2A of Part 4A of the Fifth Schedule; or
  - (b) part of the land described in Division 5 of Part 4A of the Fifth Schedule.
- (2) Before determining an area of land to be a firewood collection area, the Secretary must consult the person or body having control and management of the land unless that person or body is the Secretary.
- (3) A determination under subsection (1) must identify the part of the land to which it applies by reference to a plan lodged in the Central Plan Office.
- (4) For the purposes of subsection (3), the determination may apply, adopt or incorporate any matter contained in any document formulated, issued, prescribed or published by any person, whether—
  - (a) wholly or partly; or
  - (b) as formulated, issued, prescribed or published at the time the determination was made or at any time before that time.
- (5) If the Secretary is satisfied that it is necessary for management of the supply of fallen or felled trees for domestic use as firewood in a region of the State, a determination of a firewood collection area located in that region may specify a class or classes of persons who may, or whose nominees may, cut and take away fallen or felled trees in that firewood collection area.

- (6) The Secretary may—
  - (a) amend a determination made under subsection (1);
  - (b) revoke a determination made under subsection (1), including by providing for a date of revocation in the determination.
- (7) A determination of a firewood collection area, or an amendment or revocation of a determination of a firewood collection area, must be published in the Government Gazette.
- (8) A determination of a firewood collection area, or an amendment or revocation of a determination, comes into operation on—
  - (a) the date on which it is published in the Government Gazette; or
  - (b) any later date specified in the determination.

**21Q Identification of firewood collection areas**

- (1) As soon as practicable after a determination made under section 21P(1) comes into operation, the Secretary must cause signs or notices informing the public of the determination to be displayed at the firewood collection area in such a place and manner that the signs or notices are reasonably likely to be seen by any person entering the area.
- (2) As soon as practicable after an amendment of a determination made under section 21P(1) comes into operation, the Secretary must cause the signs or notices displayed at the firewood collection area to be amended.
- (3) As soon as practicable after a determination made under section 21P(1) is revoked, the Secretary must cause the removal of signs or notices displayed at the firewood collection area.

S. 21Q  
inserted by  
No. 46/2012  
s. 16.

- (4) If the determination specifies a class or classes of person who may, or whose nominees may, cut and take away fallen or felled trees in a firewood collection area, the signs or notices must include that information.
- (5) If the firewood collection area is located in a region to which a determination under section 57ZA(1) of the **Forests Act 1958** applies, the signs or notices must state the maximum amount of fallen or felled trees that may be cut and taken away in firewood collection areas in that region in a financial year for domestic use as firewood in a household.

S. 21R  
inserted by  
No. 46/2012  
s. 16.

**21R Offence to cut or take away fallen or felled trees in firewood collection area unless a class member or nominated by class member**

- (1) If a determination of a firewood collection area under section 21P specifies a class or classes of persons who may cut and take away fallen or felled trees in that area, a person must not, in that area during a firewood collection season, cut or take away 2 cubic metres or less of fallen or felled trees unless—
  - (a) the person is a member of a class specified in the determination; or
  - (b) the person is a nominee and the nominating person is a member of a class specified in the determination.

Penalty: 20 penalty units.

- (2) If a determination of a firewood collection area under section 21P specifies a class or classes of persons who may cut and take away fallen or felled trees in that area, a person must not, in that area during a firewood collection season, cut or take away more than 2 cubic metres of fallen or felled trees unless—

- (a) the person is a member of a class specified in the determination; or
- (b) the person is a nominee and the nominating person is a member of a class specified in the determination.

Penalty: 50 penalty units or imprisonment for 1 year or both.

**21S Offences as to amount of fallen or felled trees cut or taken away in a day**

S. 21S  
inserted by  
No. 46/2012  
s. 16.

- (1) A person must not, in any one or more firewood collection areas during a firewood collection season applying to the area or areas, cut or take away more than 2 cubic metres but less than 4 cubic metres of fallen or felled trees in a day.

Penalty: 20 penalty units.

- (2) A person must not, in any one or more firewood collection areas during a firewood collection season applying to the area or areas, cut or take away 4 cubic metres or more of fallen or felled trees in a day.

Penalty: 50 penalty units or imprisonment for 1 year or both.

- (3) Subsections (1) and (2) apply whether or not the person cuts or takes away fallen or felled trees as a nominee.

- (4) In this section and sections 21T to 21V—

*firewood collection area* includes a firewood collection area determined under section 57U of the **Forests Act 1958**;

*firewood collection season* includes a firewood collection season within the meaning of the **Forests Act 1958**.

S. 21T  
inserted by  
No. 46/2012  
s. 16.

**21T Household limit of fallen or felled trees cut or taken  
away in a financial year**

In a financial year, a person must not, in any one or more firewood collection areas during firewood collection seasons applying to the area or areas, cut or take away fallen or felled trees for domestic use as firewood in that person's household if the amount of fallen or felled trees previously cut or taken away (or nominated to be cut and taken away by nominees) in that financial year in any one or more firewood collection areas during firewood collection seasons applying to the area or areas for domestic use as firewood in that person's household is 16 cubic metres or more.

Penalty: 50 penalty units or imprisonment for 1 year or both.

S. 21U  
inserted by  
No. 46/2012  
s. 16.

**21U Household limit of fallen or felled trees cut and  
taken away in a financial year—offences relating to  
nominations**

- (1) In a financial year, a person must not nominate another person under section 21M to cut or take away fallen or felled trees for domestic use as firewood in that person's household if the amount of fallen or felled trees previously cut or taken away (or nominated to be cut and taken away by nominees) in that financial year in any one or more firewood collection areas during firewood collection seasons applying to the area or areas for domestic use as firewood in that person's household is 16 cubic metres or more.

Penalty: 50 penalty units or imprisonment for 1 year or both.

- (2) In a financial year, a nominating person must not specify in a nomination under section 21M an amount of fallen or felled trees that, when added to the amount of fallen or felled trees previously cut or taken away (or nominated to be cut and taken away by nominees) in that financial year in any one or more firewood collection areas during firewood collection seasons applying to the area or areas for domestic use as firewood in that person's household would exceed 16 cubic metres.

Penalty: 50 penalty units or imprisonment for 1 year or both.

- (3) In a financial year, a nominee must not in any one or more firewood collection areas during firewood collection seasons applying to the area or areas, cut or take away fallen or felled trees for domestic use as firewood in the nominating person's household if, in that financial year, the nominee has previously cut or taken away the amount of fallen or felled trees specified as the maximum amount in the nomination under section 21M.

Penalty: 50 penalty units or imprisonment for 1 year or both.

**21V Limit on amount of fallen or felled trees cut and taken away in firewood collection areas in certain regions**

S. 21V  
inserted by  
No. 46/2012  
s. 16.

- (1) In a financial year, a person must not in any one or more firewood collection areas in a region to which a determination under section 57ZA(1) of the **Forests Act 1958** applies during firewood collection seasons applying to the area or areas, cut or take away fallen or felled trees for domestic use as firewood in that person's household if, in that financial year, the amount of fallen or felled trees previously cut or taken away in the area or areas during firewood collection seasons applying to the area or areas for domestic use as firewood

in that person's household has reached at least the limit determined under section 57ZA(1) of the **Forests Act 1958**.

Penalty: 50 penalty units or imprisonment for 1 year or both.

- (2) In a financial year, a nominee must not in any one or more firewood collection areas in a region to which a determination under section 57ZA(1) of the **Forests Act 1958** applies during firewood collection seasons applying to the area or areas, cut or take away fallen or felled trees for domestic use as firewood in the nominating person's household if, in that financial year, the amount of fallen or felled trees previously cut or taken away by the nominee in the area or areas during firewood collection seasons applying to the area or areas for domestic use as firewood in the nominating person's household has reached at least the limit determined under section 57ZA(1) of the **Forests Act 1958**.

Penalty: 50 penalty units or imprisonment for 1 year or both.

S. 21W  
inserted by  
No. 46/2012  
s. 16.

#### **21W Offence to sell fallen or felled trees**

- (1) A person must not sell fallen or felled trees that the person has cut and taken away in a firewood collection area during a firewood collection season.

Penalty: 50 penalty units or imprisonment for 1 year or both.

- (2) A nominating person must not sell fallen or felled trees that that person's nominee has cut and taken away in a firewood collection area during a firewood collection season.

Penalty: 50 penalty units or imprisonment for 1 year or both.

**21X Offences relating to conduct in a firewood collection area**

S. 21X  
inserted by  
No. 46/2012  
s. 16.

- (1) A person must not, in a firewood collection area during a firewood collection season, cut or take away fallen or felled trees that are visibly hollow.

Penalty: 20 penalty units.

- (2) A person must not, in a firewood collection area during a firewood collection season, cut or take away fallen or felled trees growing moss or fungi.

Penalty: 20 penalty units.

- (3) A person must not, in a firewood collection area during a firewood collection season, cut or take away fallen or felled trees other than during the period—

(a) commencing 30 minutes before sunrise on a day; and

(b) ending 30 minutes after sunset on the same day.

Penalty: 20 penalty units.

- (4) A person must not, in a firewood collection area during a firewood collection season, fell, cut, chop, break off, dent, scrape or push over a standing tree (whether living or dead) that has a diameter of up to 15 centimetres at a height of 1.3 metres above the ground.

Penalty: 50 penalty units.

- (5) A person must not, in a firewood collection area during a firewood collection season, fell, cut, chop, break off, dent, scrape or push over a standing tree (whether living or dead) that has a diameter of 15 centimetres or more at a height of 1.3 metres above the ground.

Penalty: 50 penalty units or imprisonment for 1 year or both.

S. 21Y  
inserted by  
No. 46/2012  
s. 16.

**21Y Production of nomination if requested by authorised officer**

A nominee must not, without reasonable excuse, fail to produce the nomination form if requested by an authorised officer.

Penalty: 5 penalty units.

S. 21Z  
inserted by  
No. 46/2012  
s. 16.

**21Z No offence if authorised by licence or authorisation etc. or regulations**

Sections 21R, 21S, 21T, 21V, 21W and 21X do not apply to a person who—

- (a) cuts or takes away fallen or felled trees from land reserved under this Act in accordance with a lease, licence, permit or authorisation held by the person under this Act or any other Act; or
- (b) cuts or takes away fallen or felled trees from land reserved under this Act in accordance with the regulations or regulations under any other Act.

## **Part 4—Special provisions relating to certain reserved land**

### *Land used for horse racing or greyhound racing or purposes connected therewith*

#### **22 Power of trustees and committee of management regarding horse racing or greyhound racing**

No. 6284  
s. 222A.

- (1) Notwithstanding anything in this Act the trustees or the committee of management of any land reserved either temporarily or permanently under section 4 and used for horse racing (including trotting) or greyhound racing may from time to time grant leases or licences of such land or any part thereof for the purposes of horse racing or greyhound racing or purposes connected therewith (including the stabling and training of race horses and the training of greyhounds).
- (2) A lease or licence under this section—
  - (a) shall be subject to such conditions covenants exceptions and reservations as the trustees or the committee of management think fit;
  - (b) shall be for a term not exceeding 21 years; and
  - (c) shall be subject to approval of the Governor in Council.
- (3) The moneys received by way of rent under a lease or licence granted under this section shall be applied by the trustees or the committee of management towards the maintenance and improvement of the reserved land.
- (4) No person shall be entitled to receive or shall receive from the Crown any money or consideration by way of compensation in respect of any improvement or of any act matter or thing under this section.

No. 6284  
s. 222B.

*Land reserved for an aerodrome or landing ground*

**23 Powers of committee of management of land reserved for an aerodrome**

- (1) Notwithstanding anything in this Act the committee of management of any land reserved either temporarily or permanently as a site for an aerodrome or landing ground for aircraft under section 4 may from time to time—
  - (a) grant leases of such land or any part thereof for the purposes of the reservation including the provision of facilities and services for the operation fuelling and maintenance of aircraft, for the comfort and convenience of persons who patronize the aerodrome and for flying clubs and flying schools; and
  - (b) enter into agreements to operate services and facilities for and consistent with the purposes of the reservation for a period not exceeding ten years.
- (2) A lease or agreement under this section shall contain such conditions covenants exceptions and reservations as the committee of management thinks fit.
- (3) A lease granted under this section shall be for a term not exceeding 21 years and shall be subject to approval by the Governor in Council.
- (4) The moneys received under a lease or agreement under this section shall be applied by the committee of management towards the maintenance and improvement of the reserved land or towards the erection of buildings and facilities associated with the operation and management of the aerodrome or landing ground.

- (5) No person or body of persons whatsoever or whatsoever shall be entitled to receive or shall receive from the Crown any money or consideration by way of compensation in respect of any improvement whatsoever or of any act matter or thing under this section.

### *Marinas*

#### **24 Authority and agreement to construct a marina**

No. 6284  
s. 222C.

- (1) Notwithstanding anything in any Act where a Council is a committee of management of any Crown land described in the Third Schedule it shall have authority to construct a marina on such land.
- (2) Before constructing a marina a Council shall enter into an agreement with the Minister administering the **Planning and Environment Act 1987** and the Minister administering the **Crown Land (Reserves) Act 1978**.
- (3) Such an agreement may provide for inter alia—
- (i) the control care and management of the marina;
  - (ii) the construction operation and maintenance of the facilities to be provided;
  - (iii) the granting of concessions to operate facilities for and consistent with the purposes of the marina;
  - (iv) the granting of permits for the use of the facilities of the marina; and
  - (v) the maintenance of structures and facilities within the marina.

S. 24(1)  
amended by  
Nos 12/1989  
s. 4(1)(Sch. 2  
item 21.12),  
58/2010 s. 47.

S. 24(2)  
amended by  
Nos 10087  
s. 3(1)(Sch. 1  
item 33),  
12/1989  
s. 4(1)(Sch. 2  
item 21.12),  
46/1998  
s. 7(Sch. 1),  
58/2010 s. 47.

(4) In this section—

*marina* means an area where facilities are provided for the launching landing berthing mooring storing repairing and provisioning of boats the parking of boats motor vehicles and trailers and the fuelling and servicing of boats.

Ss 25–28  
repealed.<sup>1</sup>

\* \* \* \* \*

*Land leased to bodies corporate for sport recreation or social activities*

**29 Power to Treasurer to guarantee certain loans**

No. 6284  
s. 224A.

(1) Where—

- (a) land of the Crown has been reserved pursuant to section 4; and
- (b) the trustees or committee of management (as the case may be) of the land have, pursuant to the provisions of any Act, granted a lease of the land or any portion thereof to a body corporate for the purposes of sport or recreation or social activities or for purposes connected therewith; and
- (c) the body corporate is desirous of obtaining a loan for the purpose of building or improving public amenities on the land—

the Treasurer, on the recommendation of the Minister, may execute in favour of any person a guarantee guaranteeing the repayment of any loan to be made to the body corporate for that purpose.

(2) The provisions of subsection (1) shall not apply in respect of a loan of an amount less than \$100 000.

- (3) A guarantee by the Treasurer pursuant to this section—
- (a) shall be in such form and subject to such terms and conditions as he thinks fit; and
  - (b) may extend to any interest charges and expenses chargeable by the person making the loan and to the expenses of enforcing or obtaining or endeavouring to enforce or obtain repayment of the loan and payment of any such interest charges and expenses.
- (4) Any moneys which may from time to time become payable by the Treasurer under any guarantee pursuant to this section shall be paid out of the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.

*Mineral springs*

Heading  
preceding  
s. 29A  
inserted by  
No. 9380  
s. 2(b).

**29A Lease of mineral spring reserves**

S. 29A  
inserted by  
No. 9380  
s. 2(b).

- (1) Notwithstanding anything in this Act the committee of management of a mineral springs reserve or, where there is no committee of management of a mineral springs reserve, the Governor in Council may grant leases to persons for the purposes of—
- (a) the collection preparation sale and removal of mineral water; or
  - (b) the operation of mineral water baths spa therapy centres kiosks or other amenities.

- (2) A lease under this section—
- (a) may be granted for a term not exceeding 21 years or in a case where a certificate has been obtained from the Minister under subsection (4) for a period not exceeding 99 years;
  - (b) shall be subject to such covenants conditions reservations restrictions and exceptions as the committee of management or the Governor in Council (as the case may be) thinks fit;
  - (c) shall, if granted by a committee of management provide for the payment of such consideration as the Minister approves; and
  - (d) shall if granted by a committee of management be subject to the prior approval of the Governor in Council given on the recommendation of the Minister.
- (3) In fixing the term of a lease regard shall be had to the expenditure to be incurred by a lessee under the terms of the lease.
- (4) The Minister may certify that in his opinion any buildings erected or to be erected under the covenants of a lease in a particular case are of such substantial nature and high value as to justify a lease for a term exceeding 21 years.

S. 29B  
inserted by  
No. 9380  
s. 2(b).

## **29B Agreements as to the taking and removal of mineral waters**

S. 29B(1)  
amended by  
No. 81/1989  
s. 3(Sch.  
item 8.5).

- (1) Where the committee of management of a mineral springs reserve is the holder of a licence under the **Water Act 1989** to take and use water from a bore it may enter into agreements with any person providing for the taking and removal of mineral water by conducting it through pipes or otherwise.

- (2) A committee of management of a mineral springs reserve may enter into agreements with any person being the holder of a groundwater licence under the **Groundwater Act 1969**, providing for the taking and removal of mineral water by conducting it through pipes or otherwise.
- (3) An agreement under this section—
- (a) shall be for a term not exceeding ten years; and
  - (b) shall be subject to such terms conditions covenants reservations restrictions and exceptions including provisions for the payment of such consideration as the Minister approves.

**29C Application of moneys received under a lease**

Moneys received under a lease granted by a committee of management under section 29A or an agreement under section 29B shall be applied by the committee of management in accordance with section 15(1)(e) or (f).

S. 29C  
inserted by  
No. 9380  
s. 2(b).

**29D Minister may appoint an advisory committee**

The Minister may appoint an advisory committee consisting of officers of any government department or statutory authority concerned with mineral springs or mineral water and such other persons as he thinks fit to report to him before any lease or agreement is entered into pursuant to section 29A or section 29B.

S. 29D  
inserted by  
No. 9380  
s. 2(b).

**29E Operation of Water Act 1989**

Nothing in this Act shall affect the operation of the **Water Act 1989** or the **Water Industry Act 1994**.

S. 29E  
inserted by  
No. 9380  
s. 2(b),  
amended by  
Nos 81/1989  
s. 3(Sch. item  
8.6), 121/1994  
s. 207(5).

*Management and other powers in particular reserves*

Heading  
preceding  
s. 29F  
inserted by  
No. 60/2005  
s. 20,  
substituted by  
No. 57/2006  
s. 17.

**29F Control and management of structures and installations**

S. 29F  
inserted by  
No. 60/2005  
s. 20.

S. 29F(1)  
amended by  
Nos 57/2006  
s. 18, 54/2008  
s. 15.

- (1) The Minister, with the agreement of the Minister administering the **Water Act 1989**, may enter into an agreement with Melbourne Water Corporation to manage and control any structures and installations in the reserve described in Division 9 of Part 1 of the Fifth Schedule or Division 7 or 8 of Part 3 of the Fifth Schedule that are specified in the agreement.
- (2) For the purposes of giving effect to an agreement under subsection (1), Melbourne Water Corporation may operate, repair, replace, maintain, remove, connect, disconnect or do any other thing necessary to manage or control any structure or installation specified in the agreement.
- (3) In this section *structures and installations* includes, but is not limited to, dam embankments, spillways, outlet structures, pipelines, buildings, and survey and geotechnical monitoring points.

**29G Control and management of water authority structures etc. in specified regional parks**

S. 29G  
(Heading)  
substituted by  
No. 82/2009  
s. 26(1).  
S. 29G  
inserted by  
No. 57/2006  
s. 19.

- (1) The Minister, with the agreement of the Minister administering the **Water Act 1989**, may enter into an agreement with an authority (within the meaning of that Act) to manage and control any structures and installations or any drainage basins in the reserve described in Division 1, Division 2A, Division 3, Division 4 or Division 5 of Part 4A of the Fifth Schedule, or to construct any new structures or installations on that land, and that are specified in the agreement.
- (2) For the purposes of giving effect to an agreement under subsection (1), the authority may operate, repair, replace, maintain, remove, connect, disconnect or do any other thing necessary to manage or control any structure or installation specified in the agreement.
- (3) In this section, *structures and installations* includes, but is not limited to, weirs, channels, pipelines, buildings, water gauging stations, and survey and geotechnical monitoring points.

S. 29G(1)  
amended by  
No. 82/2009  
s. 26(2)(3).

**29H Water distribution works authority—Bendigo Regional Park**

S. 29H  
inserted by  
No. 57/2006  
s. 19.

- (1) The Minister may grant an authority to a person to install, operate or manage works for the purposes of conveying water over any part of the land described in Division 1 of Part 4A of the Fifth Schedule.
- (2) An authority under subsection (1) may be granted for the term determined by the Minister.

- (3) An authority under subsection (1) is subject to—
  - (a) any conditions the Minister thinks fit to impose; and
  - (b) the payment of any fee or charge determined by the Minister.
- (4) An authority under subsection (1) may be cancelled by the Minister if the holder does not comply with a condition of the authority.
- (5) The holder of an authority under subsection (1) must not transfer the authority unless the holder has first obtained the consent of the Minister.
- (6) Despite the commencement of section 26(4) of the **National Parks and Crown Land (Reserves) Acts (Amendment) Act 2006**, a person who was using works for the purposes of conveying water over any part of the land described in Division 1 of Part 4A of the Fifth Schedule immediately before the commencement of that section may continue to use those works for that purpose for 12 months after the commencement of that section or until the Minister grants an authority under this section (whichever is the earlier).
- (7) Any use of works under subsection (6) is subject to the conditions that applied to that use immediately before the commencement of section 26(4) of the **National Parks and Crown Land (Reserves) Acts (Amendment) Act 2006**.

S. 29HA  
inserted by  
No. 82/2009  
s. 27.

#### **29HA Works under water licences—Murray River Park**

- (1) A licence under section 51 or 67 of the **Water Act 1989** that authorises the construction, installation, operation, alteration, removal or decommissioning of works on any of the land in the Murray River Park must not be issued except with the consent of the Minister and subject to any conditions the Minister thinks fit to impose.

- (2) In this section, *Murray River Park* means the land described in Division 2A of Part 4A of the Fifth Schedule.

**29I Dam licences—Bendigo Regional Park**

S. 29I  
inserted by  
No. 57/2006  
s. 19.

- (1) The Minister may grant a licence to any person to use land for a dam on any part of the land described in Division 1 of Part 4A of the Fifth Schedule, if that land was used for a dam immediately before the commencement of section 26(4) of the **National Parks and Crown Land (Reserves) Acts (Amendment) Act 2006**.
- (2) A licence under subsection (1) may be granted for a term of not more than 3 years.
- (3) A licence under subsection (1) is subject to—
- (a) any conditions that the Minister thinks fit to impose; and
  - (b) the payment of any fee or charge determined by the Minister.
- (4) A licence under subsection (1) may be cancelled by the Minister if the holder does not comply with a condition of the licence.
- (5) The holder of a licence under subsection (1) must not transfer the licence unless the holder has first obtained the consent of the Minister.

**29IA Works under water licences—Kerang and Shepparton Regional Parks**

S. 29IA  
inserted by  
No. 82/2009  
s. 28.

A licence under section 51 or 67 of the **Water Act 1989** that authorises the construction, installation, operation, alteration, removal or decommissioning of works on any part of the land described in Divisions 4 and 5 of Part 4A of the Fifth Schedule must not be issued except with the consent of the Minister and subject to any conditions the Minister thinks fit to impose.

S. 29IB  
(Heading)  
substituted by  
No. 46/2012  
s. 17(1).

## **29IB Cutting and taking away fallen or felled trees— Shepparton Regional Park**

S. 29IB  
inserted by  
No. 82/2009  
s. 28.

S. 29IB(1)  
repealed by  
No. 46/2012  
s. 17(2).

\* \* \* \* \*

S. 29IB(2)  
amended by  
No. 46/2012  
s. 17(3).

- (2) The Secretary may cut and take away, or authorise to be cut and taken away on behalf of the Secretary, fallen or felled trees from any part of the land described in Division 5 of Part 4A of the Fifth Schedule for use as firewood for domestic or camping purposes outside the park.

S. 29IC  
inserted by  
No. 82/2009  
s. 28.

## **29IC Grazing licences—Kerang and Shepparton Regional Parks**

- (1) Despite anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply to enable licences or permits to be granted under that section to graze cattle on any part of the land described in Division 4 or 5 of Part 4A of the Fifth Schedule in relation to which a licence or permit has been continued in force under section 63E. Any licence or permit so granted may be dealt with under section 52 of the **Forests Act 1958**.
- (2) Despite anything to the contrary in this Act, section 130 of the **Land Act 1958** continues to apply to enable licences to be granted under that section to graze cattle on any part of the land described in Division 4 or 5 of Part 4A of the Fifth Schedule in relation to which a licence has been continued in force under section 63E. Any licence

so granted may be dealt with under section 130 of the **Land Act 1958**.

- (3) A licence or permit in force under subsection (1) or (2) is in force until the date it expires or 30 September 2014, whichever is the earlier.

Pt 4A  
(Heading and  
ss 29J–29S)  
inserted by  
No. 14/2008  
s. 4.

## **Part 4A—Carlton Gardens Reserve—Special event management**

S. 29J  
inserted by  
No. 14/2008  
s. 4.

### **29J Special event management declarations**

- (1) The Governor in Council, on the recommendation of the Minister, may, by Order published in the Government Gazette, declare an event or series of events to be a special event for the purposes of this Part.
- (2) The Minister must not make a recommendation under subsection (1) unless the Minister is satisfied that—
  - (a) the event or events are suitable to be held in the Carlton Gardens Reserve; and
  - (b) the event or events are of significance to the State.

S. 29K  
inserted by  
No. 14/2008  
s. 4.

### **29K Content of special event management declarations**

A special event management declaration must specify—

- (a) the name and a short description of the special event; and
- (b) the date, at least 14 days after publication in the Government Gazette, on which the declaration takes effect; and
- (c) the period (not exceeding 3 years) for which the declaration is to apply; and
- (d) the period or periods during the declaration period in which the special event is to take place; and
- (e) by means of a description, map or other document, the area of the Carlton Gardens Reserve to which the declaration is to apply.

**29L Management of Carlton Gardens Reserve**

S. 29L  
inserted by  
No. 14/2008  
s. 4.

- (1) A special event management declaration may provide that the Secretary or the Trust is to have specified functions, powers and duties in relation to the Carlton Gardens Reserve during the whole or specified parts of the declaration period.
- (2) The functions, powers and duties may include—
  - (a) a power, with the consent of the Minister, to enter into agreements or arrangements with an event organiser; and
  - (b) any power required to undertake, organise or facilitate a special event; and
  - (c) any function, power or duty conferred by any other Part of this Act or any other Act on the trustees or the committee of management of the Carlton Gardens Reserve in that capacity; and
  - (d) a power to fix opening and closing times for public access to the special event management area or part of that area.
- (3) A special event management declaration cannot confer power to permit the use of the Carlton Gardens Reserve for a purpose that is inconsistent with the reservation of the land unless it is a purpose that is, or is connected with, an exhibition purpose.
- (4) The functions, powers and duties conferred on the Trust by a special event management declaration are in addition to those set out in the **Melbourne Convention and Exhibition Trust Act 1996**.

**S. 29M**  
inserted by  
No. 14/2008  
s. 4.

## **29M Suspension of functions, powers and duties**

- (1) A special event management declaration may provide for—
  - (a) all or specified functions, powers and duties of the trustees or the committee of management of the Carlton Gardens Reserve to be suspended for a special event period; and
  - (b) all or specified functions, powers and duties of the trustees or the committee of management of the Carlton Gardens Reserve to be suspended for any other specified part of the declaration period.
- (2) The Minister must not make a recommendation under section 29J(1) for a declaration to suspend the functions, powers and duties of the trustees or the committee of management unless the Minister is satisfied that this is necessary for the purposes of the special event.
- (3) The trustees or the committee of management of the Carlton Gardens Reserve must not—
  - (a) exercise or perform any function, power or duty that is suspended under this Part during the period of the suspension; and
  - (b) exercise or perform any other function, power or duty in a manner that is inconsistent with a special event management declaration or the purpose of that declaration.

**29N Powers in relation to agreements and arrangements**

S. 29N  
inserted by  
No. 14/2008  
s. 4.

The power conferred on the Secretary or the Trust to enter into agreements or arrangements with an event organiser may include agreements or arrangements relating to—

- (a) the organisation and conduct of the special event; and
- (b) the occupation and use and period of occupation and use by the event organiser of any part of the special event management area; and
- (c) the fees to be charged by the event organiser for entry into the special event management area; and
- (d) the fees for the occupation and use of the special event management area to be paid by the event organiser to the Secretary or the Trust.

**29O Regulations and local laws to be suspended**

S. 29O  
inserted by  
No. 14/2008  
s. 4.

- (1) A special event management declaration may provide that all or any regulations made under section 13 or local laws made under the **Local Government Act 1989** are to be suspended during the whole or any specified part of the declaration period to the extent that they apply to the Carlton Gardens Reserve.
- (2) Despite anything to the contrary in the **Local Government Act 1989** and without limiting subsection (1), a local law made after the making of a special event management declaration does not apply to the Carlton Gardens Reserve during the declaration period unless the special event management declaration otherwise provides.

S. 29P  
inserted by  
No. 14/2008  
s. 4.

### **29P Transitional provisions**

A special event management declaration may contain provisions of a transitional nature consequent on the making of the declaration, including—

- (a) provisions for the construction of references in any instrument or in any other document of any kind; and
- (b) provisions relating to the end of a special event period or the declaration period.

S. 29Q  
inserted by  
No. 14/2008  
s. 4.

### **29Q Effect of special event management declaration**

A special event management declaration has effect according to its terms.

S. 29R  
inserted by  
No. 14/2008  
s. 4.

### **29R Minister to give copy of declaration to committee of management**

The Minister must give a copy of the special event management declaration to the committee of management of the Carlton Gardens Reserve within 7 days after the declaration is published in the Government Gazette.

S. 29S  
inserted by  
No. 14/2008  
s. 4.

### **29S Special event management area to be restored**

- (1) The event organiser of a special event must immediately after each special event period, restore, or ensure the restoration of, the special event management area to a condition reasonably comparable to its condition before the beginning of the special event period.
- (2) If the event organiser does not comply with subsection (1), the Secretary or the Trust may carry out the restoration works and recover the costs of those works from the event organiser as a debt due to the Secretary or the Trust.

## **Part 5—General**

### **Division 1—Miscellaneous**

Pt 5 Div. 1  
(Heading)  
inserted by  
No. 51/2016  
s. 11.

#### **30 Minister may accept gifts etc.**

- (1) The Minister—
- (a) may accept gifts, devises, bequests and assignments of real or personal property;
  - (b) may accept a gift or devise of land subject to a condition entitling the donor or a nominee of the donor or testator to occupy the land during the lifetime of the donor or nominee or for any other specified period; and
  - (c) may act as executor or administrator of an estate or as trustee of moneys or other properties—

where in the opinion of the Minister it is expedient to do so for or in connexion with giving effect to the objects of this Act.

- (2) The Minister may accept a gift, devise, bequest or assignment of real or personal property subject to a trust where the objects of the trust are not substantially different from the objects of this Act and shall carry out and give effect to the objects of any such trust.

#### **30A Ownership of timber**

- (1) In any proceedings for an offence under this Act with respect to cutting or taking away of timber from the land described in Division 2A or Division 5 of Part 4A of the Fifth Schedule, if the person charged with the offence was found in possession of the timber that is the subject of the offence on that land, in the absence of evidence to

S. 30A  
inserted by  
No. 46/2012  
s. 18.

the contrary, the timber is taken to be the property of the Crown.

(2) In this section—

*timber* has the same meaning as in section 3(1) of the **Forests Act 1958**.

S. 31  
repealed by  
No. 9863 s. 2,  
new s. 31  
inserted by  
No. 40/2009  
s. 31.

### **31 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 regulation 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.

S. 32  
repealed by  
No. 9863 s. 2,  
new s. 32  
inserted by  
No. 46/2012  
s. 19.

**32 Regulations for cutting or taking away fallen or felled trees in firewood collection areas during firewood collection seasons**

- (1) The Governor in Council may make regulations for or with respect to cutting or taking away fallen or felled trees in firewood collection areas during firewood collection seasons, including regulations for or with respect to—
  - (a) days on which fallen or felled trees may be cut or taken away; and
  - (b) the manner in which fallen or felled trees may be cut or taken away; and
  - (c) use of vehicles and equipment in firewood collection areas; and
  - (d) protection of the environment in firewood collection areas; and
  - (e) public safety in firewood collection areas; and
  - (f) any matter authorised or permitted to be prescribed or necessary to be prescribed for the purposes of Part 3B.
- (2) The regulations—
  - (a) may be of general or limited application; and
  - (b) may differ according to differences in time, place or circumstance; and
  - (c) may impose penalties not exceeding 20 penalty units for contravention of the regulations.

### **33 Payment of refunds**

If regulations made under this Act (including regulations made under section 13) provide for a refund of a fee, toll, rent or other charge and the fee, toll, rent or other charge has been paid into the Consolidated Fund, the Consolidated Fund is appropriated to the necessary extent to enable any refund to be paid.

New s. 33  
inserted by  
No. 51/2016  
s. 12.

## **Division 2—General transitional provisions**

Pt 5 Div. 2  
(Heading and  
s. 34)  
inserted by  
No. 51/2016  
s. 12.

### **34 Transitional provisions—Crown Land Legislation Amendment Act 2016**

Despite the repeal of section 13(5) and (6) by the **Crown Land Legislation Amendment Act 2016**, those subsections continue to apply to any regulations made under section 13(1) which are in force immediately before that repeal or any regulations to which those subsections were applied by any other Act or regulation until regulations are made imposing penalties for contravention of the regulations in accordance with section 13(1)(b)(xa) or that other Act or regulation (as the case requires).

New s. 34  
inserted by  
No. 51/2016  
s. 12.

Pt 6 (Heading  
and ss 31–44)  
inserted by  
No. 50/2002  
s. 18.

## Part 6—Provisions relating to particular Crown land reserves

Pt 6 Div. 1  
(Heading)  
inserted by  
No. 64/2004  
s. 27.

### Division 1—Miscellaneous reserves

New ss 31, 32  
inserted by  
No. 50/2002  
s. 18,  
repealed by  
No. 64/2004  
s. 28.

\* \* \* \* \*

S. 33  
inserted by  
No. 50/2002  
s. 18,  
repealed by  
No. 57/2006  
s. 20.

\* \* \* \* \*

S. 34  
inserted by  
No. 50/2002  
s. 18,  
repealed by  
No. 60/2005  
s. 21(1).

\* \* \* \* \*

S. 35  
inserted by  
No. 50/2002  
s. 18,  
amended by  
No. 64/2004  
s. 29.

#### 35 Deep Lead Nature Conservation Reserve (No. 2)

On the commencement of section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, the land delineated and coloured pink or coloured green on the plan lodged in the Central Plan Office and numbered LEGL./02–070, to the extent that that land is at or above a depth of 100 metres below the land surface, is deemed to be permanently reserved under this Act for public purposes, being, in particular, the purposes specified in paragraphs (l), (m), (n) and (o) of section 4.

Crown Land (Reserves) Act 1978  
 No. 9212 of 1978  
 Part 6—Provisions relating to particular Crown land reserves

*	*	*	*	*	<p><b>S. 36</b>            inserted by            No. 50/2002            s. 18,            amended by            No. 64/2004            s. 29,            repealed by            No. 60/2005            s. 21(2).</p>
*	*	*	*	*	<p><b>Ss 37–39</b>            inserted by            No. 50/2002            s. 18,            amended by            No. 64/2004            s. 29,            repealed by            No. 57/2006            s. 20.</p>
*	*	*	*	*	<p><b>S. 40</b>            inserted by            No. 50/2002            s. 18,            repealed by            No. 64/2004            s. 28.</p>
*	*	*	*	*	<p><b>S. 41</b>            inserted by            No. 50/2002            s. 18,            amended by            No. 64/2004            s. 29,            repealed by            No. 57/2006            s. 20.</p>
*	*	*	*	*	<p><b>S. 42</b>            inserted by            No. 50/2002            s. 18,            repealed by            No. 64/2004            s. 28,            new s. 42            inserted by            No. 60/2005            s. 33,            repealed by            No. 54/2008            s. 16.</p>

S. 43  
inserted by  
No. 50/2002  
s. 18,  
repealed by  
No. 64/2004  
s. 28.

\* \* \* \* \*

Pt 6 Div. 2  
(Heading)  
inserted by  
No. 64/2004  
s. 30.

## Division 2—Fifth Schedule reserves

New s. 43  
inserted by  
No. 57/2006  
s. 21.

### 43 Reserve descriptions

Each area of land described in a Division of a Part of the Fifth Schedule may be described in or under this or any other Act or in any other document by the name set out as the heading to the Division.

S. 44  
inserted by  
No. 50/2002  
s. 18,  
substituted by  
No. 64/2004  
s. 30,  
amended by  
Nos 60/2005  
s. 22(1),  
57/2006  
s. 27(Sch.  
item 1).

### 44 Land in Part 1 of Fifth Schedule deemed to be nature conservation reserves

Each area of land described in a Division of Part 1 of the Fifth Schedule is deemed to be permanently reserved under section 4 for public purposes being, in particular, the purposes of nature conservation.

S. 45  
inserted by  
No. 64/2004  
s. 30,  
amended by  
Nos 60/2005  
s. 22(2),  
57/2006  
s. 27(Sch.  
item 2).

### 45 Land in Part 2 of Fifth Schedule deemed to be cultural and natural heritage reserves

Each area of land described in a Division of Part 2 of the Fifth Schedule is deemed to be permanently reserved under section 4 for public purposes being, in particular, the purposes of the protection of cultural and natural heritage.

**46 Land in Part 3 of Fifth Schedule deemed to be natural features reserves**

Each area of land described in a Division of Part 3 of the Fifth Schedule is deemed to be permanently reserved under section 4 for public purposes, being in particular, the purposes of the protection of natural features.

S. 46  
inserted by  
No. 64/2004  
s. 30,  
amended by  
Nos 60/2005  
s. 22(3),  
57/2006  
s. 27(Sch.  
item 3).

**47 Land in Part 4 of Fifth Schedule deemed to be historic and cultural features reserves**

Each area of land described in a Division of Part 4 of the Fifth Schedule is deemed to be permanently reserved under section 4 for public purposes, being in particular, the purposes of the protection of historic and cultural features.

S. 47  
inserted by  
No. 64/2004  
s. 30,  
amended by  
Nos 60/2005  
s. 22(4),  
57/2006  
s. 27(Sch.  
item 4).

**47A Purposes for land in Part 5 of the Fifth Schedule**

Each area of land described in a Division of Part 5 of the Fifth Schedule is deemed to be permanently reserved under section 4 for public purposes, being in particular, the purposes set out in that Division of that Part.

S. 47A  
inserted by  
No. 60/2005  
s. 23.

**47B Land in Part 4A of the Fifth Schedule deemed to be regional parks**

- (1) Each area of land described in a Division of Part 4A of the Fifth Schedule is a regional park and is deemed to be permanently reserved under section 4 for public purposes being, in particular—
- (a) to provide opportunities for informal recreation associated with the enjoyment of natural or semi-natural surroundings; and
  - (b) to protect and conserve biodiversity, natural and cultural features and water supply catchments; and
  - (c) for minor resource use that is not inconsistent with paragraphs (a) and (b).

S. 47B  
inserted by  
No. 57/2006  
s. 22,  
amended by  
No. 82/2009  
s. 29 (ILA  
s. 39B(1)).

S. 47B(2)  
inserted by  
No. 82/2009  
s. 29.

- (2) In relation to the land shown delineated and stippled on a plan referred to in Division 2A of Part 4A of the Fifth Schedule, the purposes set out in subsection (1) are in addition to the purposes for which the land was reserved immediately before the publication of the Order under section 47BA(3).

S. 47BA  
inserted by  
No. 82/2009  
s. 30.

#### **47BA Murray River Park**

- (1) The Minister may recommend to the Governor in Council that—
- (a) any part of the land shown delineated and coloured pink on the plans lodged in the Central Plan Office and numbered LEGL./09-320 to LEGL./09-371 (inclusive); and
  - (b) any land that is adjoining the land shown delineated and coloured pink on the plans or within close proximity of or adjoining the land shown delineated and coloured pink on the plans—
- that is reasonably required for the purposes of a regional park, be a regional park to be known as the Murray River Park.
- (2) The Minister may make a recommendation under subsection (1) on—
- (a) receiving plans of land signed by the Surveyor-General; and
  - (b) being satisfied that the land delineated and coloured pink or coloured yellow on the plans represents land that is reasonably required for the purposes of a regional park.
- (3) On receiving a recommendation of the Minister under subsection (1), the Governor in Council may, by Order published in the Government Gazette, declare the land delineated and coloured

pink or coloured yellow on the plans to be a regional park to be known as the Murray River Park.

- (4) On the publication of the Order under subsection (3), the land declared under subsection (3) to be the regional park, known as the Murray River Park, is taken to be permanently reserved under section 4 for the public purposes specified in section 47B(1)(a), (b) and (c).
- (5) On the publication of the Order under subsection (3), any land delineated and coloured orange on the plans referred to in that Order is taken to be reserved forest within the meaning of the **Forests Act 1958**.

**47C Land in Part 6 of the Fifth Schedule deemed to be water reserves**

S. 47C  
inserted by  
No. 57/2006  
s. 22.

Each area of land described in a Division of Part 6 of the Fifth Schedule is deemed to be permanently reserved under section 4 for public purposes being, in particular, water supply purposes.

**47D Land in Part 7 of the Fifth Schedule deemed to be forest parks**

S. 47D  
inserted by  
No. 54/2008  
s. 17.

Each area of land described in a Division of Part 7 of the Fifth Schedule is deemed to be permanently reserved under section 4 for public purposes, being in particular for the purposes of—

- (a) providing opportunities for informal recreation associated with the enjoyment of natural surroundings;
- (b) protecting and conserving biodiversity, natural and cultural features and water supply catchments;
- (c) supplying a limited range of natural resource products.

S. 47E  
inserted by  
No. 12/2016  
s. 3.

**47E Revocation of reservations—excised land—  
Cobboboonee Forest Park**

- (1) On the commencement of section 10 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016** the reservation of the land shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./15-226 is revoked.
- (2) On the revocation of the reservation of the land shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./15-226—
  - (a) that land is taken to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
  - (b) the appointment of any committee of management of that land is revoked to the extent that it relates to that land; and
  - (c) any regulations under section 13 are revoked to the extent that they apply to that land.

Pt 6 Div. 3  
(Heading and  
ss 48, 49)  
inserted by  
No. 64/2004  
s. 30.

**Division 3—Transitional provisions relating to  
reserves**

S. 48AA  
inserted by  
No. 60/2005  
s. 24.

**48AA Definition**

In this Part *2005 Act* means the **National Parks (Otways and Other Amendments) Act 2005**.

\* \* \* \* \*

S. 48  
inserted by  
No. 64/2004  
s. 30,  
repealed by  
No. 57/2006  
s. 23(1).

**48A Surf lifesaving club at Port Campbell—2005 Act**

S. 48A  
inserted by  
No. 60/2005  
s. 25.

- (1) Despite the commencement of section 25 of the 2005 Act, the Port Campbell surf lifesaving club lease continues in force on the same terms and conditions as those applying to it immediately before that commencement and is deemed to have effect, on and from that commencement, as if any reference in the lease to the "Minister" were a reference to the Minister administering this section.
- (2) In this section, *Port Campbell surf lifesaving club lease* means the lease granted by the Minister administering section 32B of the **National Parks Act 1975** (under section 32B of that Act, as in force before the commencement of section 6 of the 2005 Act) to the Surf Lifesaving Association of Australia, Victorian State Centre, as varied by the deed of variation between the Minister for Environment and Conservation and the Surf Lifesaving Association of Australia, Victorian State Centre and dated 14 March 2000.

**49 Castlemaine Diggings National Heritage Park, Tungamah and Youarang Natural Features Reserves—Land not affected by enactment of 2002 Act**

S. 49  
inserted by  
No. 64/2004  
s. 30.

- (1) Section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** is deemed to have been enacted as if the plan, lodged in the Central Plan Office and numbered N.P. 109A (as referred to in section 31, as inserted by section 18 of that Act), did not include, as part of the land described in section 31, the land shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 109A/1, being Crown Allotment 23B, Section A2, Parish of Faraday.

- (2) Section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** is deemed to have been enacted as if the plan, lodged in the Central Plan Office and numbered N.P. 109B (as referred to in section 31, as inserted by section 18 of that Act), did not include, as part of the land described in section 31, the land shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 109B/1, being—
- (a) Crown Allotment 25, Section B3, Parish of Castlemaine; and
  - (b) Crown Allotment 1, Section 14, Parish of Fryers; and
  - (c) Crown Allotment 10A, Section 3B, Township of Fryerstown, Parish of Fryers.
- (3) Section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** is deemed to have been enacted as if the plan, lodged in the Central Plan Office and numbered N.P. 109C (as referred to in section 31, as inserted by section 18 of that Act), did not include, as part of the land described in section 31, the land shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 109C/1, being Crown Allotment 6A, Section 3A, Parish of Fryers.
- (4) Section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** is deemed to have been enacted as if the plan, lodged in the Central Plan Office and numbered LEGL./02–074 (as referred to in section 40, as inserted by section 18 of that Act), did not include, as part of the reserve described in section 40, the land shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./04–039, being Crown Allotment 1, Section 10A, Township of Lake Rowan, Parish of Karrabumet.

- (5) Section 18 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** is deemed to have been enacted as if the plan, lodged in the Central Plan Office and numbered LEGL./02–076 (as referred to in section 42, as inserted by section 18 of that Act), did not include, as part of the reserve described in section 42, the land shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./04–043, being—
- (a) Crown Allotment 7, Section A, Parish of Yourarang; and
  - (b) Crown Allotment 21A, Section A, Parish of Waggarandall.

#### **Division 4—Miscellaneous**

##### **49A Transitional provision—Addition to Wychitella Nature Conservation Reserve**

On the commencement of Division 2 of Part 3 of the **National Parks (Additions and Other Amendments) Act 2004**—

- (a) any reservation, under this or any other Act, of an area of the land delineated and coloured pink and hatched on the plan numbered LEGL./04–042, that was in force immediately before that commencement, is revoked; and
- (b) any regulations made under section 13 of this Act that applied to any such area of land, immediately before that commencement, are revoked in so far as they apply to the land; and

Pt 6 Div. 4  
(Heading and  
s. 50)  
inserted by  
No. 64/2004  
s. 30.

S. 49A  
inserted by  
No. 64/2004  
s. 33 (as  
amended by  
No. 63/2006  
s. 61(Sch.  
item 24)).

- (c) subject to paragraph (d), the land is deemed to be freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests in or applying to any part of the land immediately before that commencement; and
- (d) despite anything to the contrary in this Act, any licence, permit or other authority over any part of the land under this Act, the **Extractive Industries Development Act 1995**, the **Land Act 1958**, the **Mineral Resources (Sustainable Development) Act 1990** or the **Petroleum Act 1998** and in force immediately before that commencement continues in force on and after that commencement subject to its terms and conditions.

#### 50 Registrar of Titles to make necessary amendments to records

The Registrar of Titles, on being requested to do so and on submission of any relevant certificate of title or other document, must make any amendments to the Register under the provisions of the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of the **National Parks (Additions and Other Amendments) Act 2004**.

S. 50  
inserted by  
No. 64/2004  
s. 30.

S. 50A  
inserted by  
No. 60/2005  
s. 26,  
repealed by  
No. 57/2006  
s. 23(2).

S. 50B  
inserted by  
No. 60/2005  
s. 26,  
repealed by  
No. 57/2006  
s. 23(3).

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\* \* \* \* \*

S. 50C  
inserted by  
No. 60/2005  
s. 26,  
repealed by  
No. 90/2009  
s. 19(1).

**Division 5—Further transitional provisions—2006  
Act**

Pt 6 Div. 5  
(Heading and  
ss 51–62)  
inserted by  
No. 57/2006  
s. 24.

**51 Definition**

In this Part *2006 Act* means the **National Parks  
and Crown Land (Reserves) Acts  
(Amendment) Act 2006.**

S. 51  
inserted by  
No. 57/2006  
s. 24.

\* \* \* \* \*

Ss 52, 53  
inserted by  
No. 57/2006  
s. 24,  
repealed by  
No. 54/2008  
s. 18.

**54 Savings of licences and other authorities—regional  
parks**

Despite the commencement of section 26(4) of the  
2006 Act and despite anything to the contrary in  
this Act, any lease, licence, permit or other  
authority over any part of the land described in  
Division 1, 2 or 3 of Part 4A that was granted or  
issued under this Act, the **Extractive Industries  
Development Act 1995**, the **Forests Act 1958**,  
the **Land Act 1958**, the **Mineral Resources  
Development Act 1990** or the **Water Act 1989**  
and that was in force immediately before that  
commencement continues in force on and after  
that commencement, subject to its terms and  
conditions.

S. 54  
inserted by  
No. 57/2006  
s. 24.

S. 55  
inserted by  
No. 57/2006  
s. 24.

### 55 Protected forest—Kurth Kiln Regional Park

- (1) Despite the commencement of section 26(4) of the 2006 Act, the **Forests Act 1958**, the **Sustainable Forests (Timber) Act 2004** and the **Safety on Public Land Act 2004** apply to the land shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./06–068 as if the land were protected forest (within the meaning of the **Forests Act 1958**).
- (2) Despite subsection (1), a power under the **Forests Act 1958** or the **Sustainable Forests (Timber) Act 2004** that relates to the cutting, taking or harvesting of timber may only be exercised—
  - (a) at a low intensity level; and
  - (b) in respect of the following—
    - (i) poles;
    - (ii) posts;
    - (iii) firewood;
    - (iv) sawlogs;
    - (v) residual logs associated with sawlog harvesting operations.

Ss 56, 57  
inserted by  
No. 57/2006  
s. 24,  
repealed by  
No. 54/2008  
s. 18.

\* \* \* \* \*

S. 58  
inserted by  
No. 57/2006  
s. 24.

### 58 Savings of licences and other authorities—nature conservation reserves

Despite the commencement of section 26(1) of the 2006 Act, and despite anything to the contrary in this Act, any licence, permit or other authority over any part of the land described in Division 11, 12, 13 or 14 of Part 1 of the Fifth Schedule that

Crown Land (Reserves) Act 1978  
No. 9212 of 1978

Part 6—Provisions relating to particular Crown land reserves

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was granted or issued under this Act, the **Forests Act 1958**, the **Land Act 1958**, the **Mineral Resources Development Act 1990** or the **Petroleum Act 1998** and that was in force immediately before that commencement continues in force on and after that commencement, subject to its terms and conditions.

*	*	*	*	*	S. 59 inserted by No. 57/2006 s. 24, expired by force of No. 9212 s. 59(2).
*	*	*	*	*	Ss 60, 61 inserted by No. 57/2006 s. 24, repealed by No. 54/2008 s. 18.
*	*	*	*	*	S. 62 inserted by No. 57/2006 s. 24, repealed by No. 90/2009 s. 19(2).
*	*	*	*	*	S. 63 inserted by No. 57/2006 s. 28, repealed by No. 54/2008 s. 18.

Pt 6 Div. 5A  
(Heading and  
ss 63–63F)  
inserted by  
No. 82/2009  
s. 31.

## **Division 5A—Further transitional provisions—2009 River Red Gums Act**

New s. 63  
inserted by  
No. 82/2009  
s. 31.

### **63 Definitions**

In this Division—

***2009 River Red Gums Act*** means the **Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009**;

***Murray River Park*** means the land described in Division 2A of Part 4A of the Fifth Schedule;

***relevant reserve commencement***, in relation to an area of land described in the Fifth Schedule, the description of which is inserted or amended by a provision of the 2009 River Red Gums Act, means the commencement of the provision of the 2009 River Red Gums Act that so inserts or amends the description.

S. 63A  
inserted by  
No. 82/2009  
s. 31.

### **63A Transitional provision—Murray River Park**

- (1) On the publication of the Order under section 47BA(3)—
  - (a) any reservation, under this or any other Act, of an area of land shown delineated and coloured pink or coloured yellow on a plan referred to in the Order, being a reservation that was in force immediately before publication of the Order is revoked in so far as the reservation is not of land shown stippled on the plan; and

- (b) the land delineated and coloured pink or coloured yellow or coloured orange on the plans referred to in the Order is deemed to be freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
- (c) any regulations made under section 13 of this Act that applied to any area of land delineated and coloured pink or coloured yellow or coloured orange on the plans immediately before the publication of the Order (other than any such regulations applying to land shown hatched on the plans) are revoked in so far as they apply to the land; and
- (d) any land delineated and coloured yellow on any of the plans referred to in that Order that was a road or part of a road or road reserve, ceases to be a road or part of a road or road reserve and all rights, easements and privileges existing or claimed, either by the public or any body or person as incident to any express or implied grant, or past dedication or supposed dedication or any past user or operation of law or otherwise, cease; and
- (e) despite anything to the contrary in this Act, any relevant authority over any part of the land delineated and coloured pink or coloured yellow or coloured orange on the plans referred to in the Order that is in force immediately before that commencement continues in force subject to its terms and conditions; and

(f) a committee of management appointed under this Act in respect of land delineated and shown hatched on a plan referred to in the Order is taken to continue in existence as the committee of management for the land, subject to this Act.

(2) In this section a reference to a *relevant authority* is a reference to a lease, licence, permit or other authority under the **Forests Act 1958**, the **Geothermal Energy Resources Act 2005**, the **Land Act 1958**, the **Mineral Resources (Sustainable Development) Act 1990**, the **Petroleum Act 1998**, the **Water Act 1989** or this Act.

S. 63B  
(Heading)  
substituted by  
No. 46/2012  
s. 20(1).

**63B Cutting and taking away fallen or felled trees—  
Murray River Park**

S. 63B  
inserted by  
No. 82/2009  
s. 31.

S. 63B(1)  
repealed by  
No. 46/2012  
s. 20(2).

\* \* \* \* \*

S. 63B(2)  
amended by  
No. 46/2012  
s. 20(3).

(2) The Secretary may cut and take away, or authorise to be cut and taken away on behalf of the Secretary, fallen or felled trees from any part of the land described in the Murray River Park for use as firewood for domestic or camping purposes outside the park.

**63C Grazing licences—Murray River Park**

S. 63C  
inserted by  
No. 82/2009  
s. 31.

- (1) Despite the publication of the Order under section 47BA(3) and anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply on and after the publication of the Order to enable licences or permits to be granted under that section to graze cattle on any part of the land in the Murray River Park in relation to which a licence or permit has been continued in force under section 63A(1). Any licence or permit so granted may be dealt with under section 52 of the **Forests Act 1958**.
- (2) Despite anything to the contrary in this Act, section 130 of the **Land Act 1958** continues to apply to enable licences to be granted under that section to graze cattle on any part of the land in the Murray River Park in relation to which a licence has been continued in force under section 63A(1). Any licence so granted may be dealt with under that section.
- (3) A licence or permit in force under subsection (1) or (2) is in force until the date it expires or 30 September 2014, whichever is the earlier.

**63D Land to become part of park on surrender to the Crown—Kerang Regional Park**

S. 63D  
inserted by  
No. 82/2009  
s. 31.

If the land shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./09-318 is not surrendered to the Crown before the relevant reserve commencement, that land is taken not to be part of the park described in Division 4 of Part 4A of the Fifth Schedule until the title to the land is surrendered to the Crown.

**63E Savings of licences and other authorities**

S. 63E  
inserted by  
No. 82/2009  
s. 31.

Despite anything to the contrary in this Act, any licence, permit or other authority over any part of the land described in Division 4 or 5 of Part 4A of

the Fifth Schedule that was granted or issued under this Act, the **Forests Act 1958**, the **Geothermal Energy Resources Act 2005**, the **Land Act 1958**, the **Mineral Resources (Sustainable Development) Act 1990**, the **Petroleum Act 1998** or the **Water Act 1989** and that was in force immediately before the relevant reserve commencement continues in force on and after that commencement, subject to its terms and conditions and the provisions of the Act under which it was granted or issued.

S. 63F  
inserted by  
No. 82/2009  
s. 31.

**63F Revocation of reservations, regulations and other interests**

On the relevant reserve commencement—

- (a) any reservation, under this or any other Act, over any part of the land described in Division 4 or 5 of Part 4A of the Fifth Schedule that was in force immediately before that commencement is revoked; and
- (b) any regulations made under section 13 of this Act that applied to the land immediately before that commencement are revoked in so far as they apply to the land; and
- (c) subject to section 63E, the land is taken to be freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests in or applying to any part of the land immediately before that commencement; and
- (d) any part of the land shown delineated and coloured blue on the plan lodged in the Central Plan Office and numbered LEGL./09-318 which immediately before that commencement was vested in Goulburn-Murray Water is divested from Goulburn-Murray Water; and

- (e) the lands delineated and coloured yellow on the plans lodged in the Central Plan Office and numbered LEGL./09-388 and LEGL./09-389 cease to be roads or parts of roads or road reserves and all rights, easements and privileges existing or claimed, either by the public or any body or person as incident to any express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, cease.

## **Division 6—Further transitional provisions—2008 Act**

Pt 6 Div. 6  
(Heading and  
ss 64–68)  
inserted by  
No. 54/2008  
s. 19.

### **64 Definition**

In this Part, *2008 Act* means the **National Parks and Crown Land (Reserves) Acts Amendment Act 2008**.

S. 64  
inserted by  
No. 54/2008  
s. 19.

\* \* \* \* \*

S. 65  
inserted by  
No. 54/2008  
s. 19,  
repealed by  
No. 90/2009  
s. 20(1).

### **66 Transitional provision—Cobboboonee Forest Park**

On the commencement of section 22 of the 2008 Act—

S. 66  
inserted by  
No. 54/2008  
s. 19.

- (a) any reservation, under this or any other Act, of an area of the land described in Division 2 of Part 7 of the Fifth Schedule that was in force immediately before that commencement is revoked; and

- (b) any regulations made under section 13 of this Act that applied to the land immediately before that commencement are revoked in so far as they apply to the land; and
- (c) subject to paragraph (d), the land is deemed to be freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests in or applying to any part of the land immediately before that commencement; and
- (d) despite anything to the contrary in this Act, any licence, permit or other authority over any part of the land under the **Extractive Industries Development Act 1995**, the **Forests Act 1958**, the **Geothermal Energy Resources Act 2005**, the **Land Act 1958**, the **Mineral Resources (Sustainable Development) Act 1990**, the **Petroleum Act 1998**, the **Water Act 1989** or this Act and in force immediately before that commencement continues in force subject to its terms and conditions; and
- (e) the lands delineated and coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./08-010 cease to be roads or parts of roads or road reserves and all rights, easements and privileges existing or claimed either by the public or any body or person as incident to any express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, cease.

S. 67  
inserted by  
No. 54/2008  
s. 19,  
repealed by  
No. 90/2009  
s. 20(2).

\* \* \* \* \*

**68 Transitional and saving provisions—Otway Forest Park**

S. 68  
inserted by  
No. 54/2008  
s. 19.

The Order referred to in section 42(2) of this Act (as in force before the commencement of section 22 of the 2008 Act) is deemed always to have had effect as if the land delineated and coloured pink on the plans numbered LEGL./06-453 and LEGL./06-454 did not include Crown Allotment 1H2, Section A, Parish of Yaugher.

**Division 7—Further transitional provisions  
2009 Act**

Pt 6 Div. 7  
(Heading and  
ss 69, 70)  
inserted by  
No. 40/2009  
s. 17.

**69 Definition**

S. 69  
inserted by  
No. 40/2009  
s. 17.

In this Part, *2009 Act* means the **Crown Land Acts Amendment (Lease and Licence Terms) Act 2009**.

**70 Tour operator licences**

S. 70  
inserted by  
No. 40/2009  
s. 17.

- (1) A person who conducts an organised tour or recreational activity for profit on land reserved under section 4 without a tour operator licence on or after the commencement of section 15 of the 2009 Act, is not guilty of an offence under section 21A if the person applies for a tour operator licence within 4 months from the commencement of section 15 of the 2009 Act.
- (2) Subsection (1) applies to a person referred to in that subsection who makes a tour operator licence application referred to in that subsection until the tour operator licence application of the person is finally determined.

## Schedules

s. 2(1).

### **First Schedule—Repeal of certain provisions of the Land Act 1958**

*Extent of Repeal*

Section 2

In subsection (6) the expression commencing "and when before the commencement of the **Land Act 1928**—" and ending "—for any of the purposes aforesaid".

Sections 14, 15, 16, 18, 19,  
20, 21, 22, 22B, 22F, 22G,  
201, 218, 219, 220, 221,  
222, 222A, 222B, 222C,  
223, 224, 224A, 226  
and 227.

} The whole.

## Second Schedule—Transitional provisions

### Part 1—Preliminary

Sch. 2  
amended by  
Nos 9424  
s. 3(2), 9427  
s. 6(1)(Sch. 5  
items 46, 47),  
repealed by  
No. 9863 s. 2,  
new Sch. 2  
inserted by  
No. 90/2009  
s. 21,  
amended by  
No. 35/2010  
ss 16, 17.

#### 1 Definition

In this Schedule—

***2009 East Gippsland Act*** means the **Parks and  
Crown Land Legislation Amendment  
(East Gippsland) Act 2009**;

\* \* \* \* \*

Sch. 2 cl. 1  
def. of *2010  
Mount Buffalo  
Act*  
repealed by  
No. 51/2016  
s. 13(a).

***relevant reserve commencement***, in relation to an  
area of land described in the Fifth Schedule,  
the description of which is inserted or  
amended by a provision of the 2009 East  
Gippsland Act, means the commencement of  
the provision of the 2009 East Gippsland Act  
that so inserts or amends the description.

## Part 2—2009 East Gippsland Act

### 2 Savings of licences and other authorities

Despite anything to the contrary in this Act, any licence, permit or other authority over any part of the land described in—

(a) Division 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 or 26 of Part 1 of the Fifth Schedule;  
or

(b) Division 9 of Part 3 of the Fifth Schedule—

that was granted or issued under this Act, the **Forests Act 1958**, the **Geothermal Energy Resources Act 2005**, the **Land Act 1958** or the **Mineral Resources (Sustainable Development) Act 1990** and that was in force immediately before the relevant reserve commencement continues in force on and after that commencement, subject to its terms and conditions and the provisions of the Act under which it was granted or issued.

Sch. 2 cl. 3  
repealed by  
No. 7/2012  
s. 21(1).

\* \* \* \* \*

Sch. 2 cl. 4  
repealed by  
No. 7/2012  
s. 21(2).

\* \* \* \* \*

Sch. 2 Pt 3  
(Heading and  
cl. 5)  
repealed by  
No. 51/2016  
s. 13(b).

\* \* \* \* \*

## Part 4—Parks and Crown Land Legislation Amendment Act 2012

Sch. 2 Pt 4  
(Heading and  
cls 6–8)  
inserted by  
No. 7/2012  
s. 22.

### 6 Definition

In this Part—

*affected land* means—

- (a) the area of land described in Division 3 of Part 5 of the Fifth Schedule; or
- (b) the area of the land described in Division 1 of Part 7 of the Fifth Schedule that is the area delineated and hatched in the plans lodged in the Central Plan Office and numbered LEGL./11-031, LEGL./11-032, LEGL./11-033, LEGL./11-034 and LEGL./11-035; or
- (c) the area of the land described in Division 3 of Part 4A of the Fifth Schedule that is delineated and hatched in the plan lodged in the Central Plan Office and numbered LEGL./11-187;

*relevant commencement*, in relation to an area of affected land, means the commencement of the provision of the **Parks and Crown Land Legislation Amendment Act 2012** that inserts the description of that area of land in Fifth Schedule.

### 7 Savings of licences and other authorities

Despite anything to the contrary in this Act, any licence, permit or other authority over any area or part of an area of affected land that was granted or issued under this Act, the **Forests Act 1958**, the **Geothermal Energy Resources Act 2005**, the

Sch. 2 cl. 7  
inserted by  
No. 7/2012  
s. 22.

**Land Act 1958, the Mineral Resources (Sustainable Development) Act 1990 or the Petroleum Act 1998** and that was in force immediately before the relevant commencement for that area of affected land continues in force on and after that commencement, subject to its terms and conditions and the provisions of the Act under which it was granted or issued.

Sch. 2 cl. 8  
inserted by  
No. 7/2012  
s. 22,  
repealed by  
No. 51/2016  
s. 13(c).

\* \* \* \* \*

Sch. 2 Pt 5  
(Heading and  
cls 9–12)  
inserted by  
No. 12/2016  
s. 4.

## **Part 5—Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016**

Sch. 2 cl. 9  
inserted by  
No. 12/2016  
s. 4.

### **9 Definitions**

In this Part—

*Canadian Regional Park* means the area of land described in Division 6 of Part 4A of the Fifth Schedule;

*Hepburn Regional Park* means the area of land described in Division 7 of Part 4A of the Fifth Schedule;

*Kerang State Wildlife Reserve* means the area of land described in Division 4 of Part 5 of the Fifth Schedule.

Sch. 2 cl. 10  
inserted by  
No. 12/2016  
s. 4.

### **10 Revocation of reservations, regulations and other interests—Canadian Regional Park**

- (1) On the commencement of section 6 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016**—

- (a) any reservation under this or any other Act over the whole or a part of the Canadian Regional Park that is in force immediately before that commencement is revoked; and
- (b) the appointment of any committee of management of the whole or a part of the Canadian Regional Park is revoked to the extent that it relates to that land immediately before that commencement; and
- (c) any regulations made under section 13 that apply to the whole or a part of the Canadian Regional Park immediately before that commencement are revoked to the extent that they apply to that land; and
- (d) subject to subclause (2), the Canadian Regional Park is freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests in or applying to the whole or any part of that land immediately before that commencement; and
- (e) for the land shown on the plan lodged in the Central Plan Office and numbered LEGL./15-227—
  - (i) the land delineated and coloured yellow on the plan ceases to be a road or part of a road or road reserve; and
  - (ii) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on the plan cease.

- (2) Despite anything to the contrary in this Act, any licence, permit or other authority over any part of the Canadian Regional Park that was granted or issued under this Act, the **Forests Act 1958**, the **Land Act 1958** or the **Water Act 1989** and that is in force immediately before the commencement of section 6 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016** continues in force on and after that commencement subject to—
- (a) its terms and conditions; and
  - (b) the provisions of the Act under which it was granted or issued.

Sch. 2 cl. 11  
inserted by  
No. 12/2016  
s. 4.

**11 Revocation of reservations, regulations and other interests—Hepburn Regional Park**

- (1) On the commencement of section 7 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016**—
- (a) any reservation under this or any other Act over the whole or a part of the Hepburn Regional Park that is in force immediately before that commencement is revoked; and
  - (b) the appointment of any committee of management of the whole or a part of the Hepburn Regional Park is revoked to the extent that it relates to that land immediately before that commencement; and
  - (c) any regulations made under section 13 that apply to the whole or a part of the Hepburn Regional Park immediately before that commencement are revoked to the extent that they apply to that land; and
  - (d) subject to subclause (2), the Hepburn Regional Park is freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and

interests in or applying to the whole or any part of that land immediately before that commencement; and

- (e) for the land shown on the plan lodged in the Central Plan Office and numbered LEGL./15-242—
- (i) the land delineated and coloured yellow on the plan ceases to be a road or part of a road or a road reserve; and
  - (ii) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on the plan cease.
- (2) Despite anything to the contrary in this Act, any licence, permit or other authority over any part of the Hepburn Regional Park that was granted or issued under this Act, the **Forests Act 1958**, the **Land Act 1958** or the **Water Act 1989** and that is in force immediately before the commencement of section 7 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016** continues in force on and after that commencement subject to—
- (a) its terms and conditions; and
  - (b) the provisions of the Act under which it was granted or issued.

**12 Revocation of reservations, regulations and other interests—Kerang State Wildlife Reserve**

- (1) On the commencement of section 8 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016**—

Sch. 2 cl. 12  
inserted by  
No. 12/2016  
s. 4.

- (a) any reservation under this or any other Act over the whole or a part of the Kerang State Wildlife Reserve that is in force immediately before that commencement is revoked; and
- (b) the appointment of any committee of management of the whole or a part of the Kerang State Wildlife Reserve is revoked to the extent that it relates to that land immediately before that commencement; and
- (c) any regulations made under section 13 that apply to the whole or a part of the Kerang State Wildlife Reserve immediately before that commencement are revoked to the extent that they apply to that land; and
- (d) subject to subclause (2), the Kerang State Wildlife Reserve is freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests in or applying to the whole or any part of the land immediately before that commencement; and
- (e) for the land shown on the plan lodged in the Central Plan Office and numbered LEGL./15-241—
  - (i) the land delineated and coloured yellow on the plan ceases to be a road or part of a road or a road reserve; and
  - (ii) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express or implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on the plan cease.

- (2) Despite anything to the contrary in this Act—
- (a) any licence, permit or other authority over any part of the Kerang State Wildlife Reserve that was granted or issued under this Act, the **Forests Act 1958**, the **Land Act 1958** or the **Water Act 1989**, and that is in force immediately before the commencement of section 8 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016** continues in force on and after that commencement subject to—
    - (i) its terms and conditions; and
    - (ii) the provisions of the Act under which it was granted or issued; and
  - (b) the Water Corporation may continue to discharge treated wastewater within the Kerang State Wildlife Reserve if the discharge occurs—
    - (i) under and in accordance with the licence in relation to that part of the Reserve known as Fosters Swamp, that was issued to the Water Corporation under section 20 of the **Environment Protection Act 1970** on 11 August 2009 and amended on 21 November 2013 and 22 July 2015 and as in force immediately before the commencement of section 8 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016**, subject to the terms and conditions of that licence; or

- (ii) under and in accordance with any other licence in relation to that part of the Reserve known as Fosters Swamp, issued to the Water Corporation under section 20 of the **Environment Protection Act 1970** before, on or after the commencement of section 8 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016** and as amended from time to time, subject to any terms and conditions of that licence.
- (3) The Kerang State Wildlife Reserve is taken to be classified as a State Game Reserve pursuant to an Order of the Governor in Council under section 15(2) of the **Wildlife Act 1975**.
- (4) In this clause—  
**Water Corporation** means the Lower Murray Urban and Rural Water Corporation established under Division 1 of Part 6 of the **Water Act 1989**.

Crown Land (Reserves) Act 1978  
No. 9212 of 1978  
Third Schedule

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## Third Schedule

S. 24.

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.

*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
Giffard	Wy-yung
Glenceoe	Yeerung.

\* \* \* \* \*

Sch. 4  
inserted by  
No. 50/2002  
s. 19(Sch.),  
amended by  
No. 57/2006  
s. 25,  
repealed by  
No. 7/2012  
s. 23.

Sch. 5  
inserted by  
No. 64/2004  
s. 31(Sch. 2).

## **Fifth Schedule**

### **Part 1—Nature conservation reserves**

#### **Division 1—Glenmaggie Nature Conservation Reserve**

The land delineated and coloured pink or coloured green on the plan lodged in the Central Plan Office and numbered LEGL./04–033.

#### **Division 2—Gobarup Nature Conservation Reserve**

The land delineated and coloured pink or coloured green on the plan lodged in the Central Plan Office and numbered LEGL./04–034.

#### **Division 3—Jilpanger Nature Conservation Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./04–035.

#### **Division 4—Marble Gully-Mount Tambo Nature Conservation Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./04–036.

#### **Division 5—Mount Elizabeth Nature Conservation Reserve**

The land delineated and coloured pink or coloured green on the plan lodged in the Central Plan Office and numbered LEGL./04–037.

**Division 6—Tallageira Nature Conservation Reserve**

The land delineated and coloured pink or coloured green on the plan lodged in the Central Plan Office and numbered LEGL./04–038.

**Division 7—Wehla Nature Conservation Reserve**

The land delineated and coloured pink or coloured green or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./04–040.

**Division 8—Wychitella Nature Conservation Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./04–042.

Sch. 5 Pt 1  
Div. 8  
amended by  
No. 64/2004  
s. 32.

**Division 9—Beaconsfield Nature Conservation Reserve**

The land delineated and coloured pink and coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./05–309.

Sch. 5 Pt 1  
Div. 9  
inserted by  
No. 60/2005  
s. 27(1).

**Division 10—Warrandyte–Kingleake Nature Conservation Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./05–310.

Sch. 5 Pt 1  
Div. 10  
inserted by  
No. 60/2005  
s. 27(1).

**Division 11—Bungador Stony Rises Nature Conservation Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./06–060.

Sch. 5 Pt 1  
Div. 11  
inserted by  
No. 57/2006  
s. 26(1).

Sch. 5 Pt 1  
Div. 12  
inserted by  
No. 57/2006  
s. 26(1).

### **Division 12—Coradjil Nature Conservation Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./06-061.

Sch. 5 Pt 1  
Div. 13  
inserted by  
No. 57/2006  
s. 26(1).

### **Division 13—Jancourt Nature Conservation Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./06-062.

Sch. 5 Pt 1  
Div. 14  
inserted by  
No. 57/2006  
s. 26(1).

### **Division 14—Marengo Nature Conservation Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./06-063.

Sch. 5 Pt 1  
Div. 15  
inserted by  
No. 90/2009  
s. 22.

### **Division 15—Boggy Creek Nature Conservation Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./09-374.

Sch. 5 Pt 1  
Div. 16  
inserted by  
No. 90/2009  
s. 22.

### **Division 16—Cobon Nature Conservation Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./09-375.

Sch. 5 Pt 1  
Div. 17  
inserted by  
No. 90/2009  
s. 22.

### **Division 17—Combienbar River Nature Conservation Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./09-376.

**Division 18—Dawson-Murrindal Nature  
Conservation Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./09-377.

Sch. 5 Pt 1  
Div. 18  
inserted by  
No. 90/2009  
s. 22.

**Division 19—Lower Cann River Nature  
Conservation Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./09-378.

Sch. 5 Pt 1  
Div. 19  
inserted by  
No. 90/2009  
s. 22.

**Division 20—Lower Errinundra Nature  
Conservation Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./09-379.

Sch. 5 Pt 1  
Div. 20  
inserted by  
No. 90/2009  
s. 22.

**Division 21—Martins Creek Nature Conservation  
Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./09-380.

Sch. 5 Pt 1  
Div. 21  
inserted by  
No. 90/2009  
s. 22.

**Division 22—Mount Stewart Nature Conservation  
Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./09-381.

Sch. 5 Pt 1  
Div. 22  
inserted by  
No. 90/2009  
s. 22.

**Division 23—Thirty-two Mile Nature Conservation  
Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./09-382.

Sch. 5 Pt 1  
Div. 23  
inserted by  
No. 90/2009  
s. 22.

Sch. 5 Pt 1  
Div. 24  
inserted by  
No. 90/2009  
s. 22.

### **Division 24—Timbarra River South Nature Conservation Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./09-383.

Sch. 5 Pt 1  
Div. 25  
inserted by  
No. 90/2009  
s. 22.

### **Division 25—Wingan River West Nature Conservation Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./09-384.

Sch. 5 Pt 1  
Div. 26  
inserted by  
No. 90/2009  
s. 22.

### **Division 26—Wombat Creek Nature Conservation Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./09-385.

Sch. 5 Pt 1  
Div. 27  
inserted by  
No. 7/2012  
s. 24(1).

### **Division 27—Frankston Nature Conservation Reserve**

The land delineated and hatched on the plan lodged in the Central Plan Office and numbered LEGL./11-186.

## **Part 2—Cultural and natural heritage reserves**

Sch. 5 Pt 2  
Div. 1  
amended by  
Nos 57/2006  
s. 26(2),  
54/2008 s. 20,  
35/2010  
s. 18(1).

### **Division 1—Castlemaine Diggings National Heritage Park**

All those pieces and parcels of land containing 7585 hectares, more or less, situate in the Township of Freyerstown and the Parishes of Castlemaine, Chewton, Faraday, Fryers, Holcombe and Yandoit, County of Talbot, being the land delineated and coloured pink or coloured yellow in plans lodged in the Central Plan Office and numbered N.P. 109A/4, N.P. 109B/2 and N.P. 109C/2, to the extent that that land is at or above a depth of 100 metres below the land surface.

## **Part 3—Natural features reserves**

### **Division 1—Tungamah Natural Features Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./04–039.

### **Division 2—Youarang Natural Features Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./04–043.

### **Division 3—Black Dog Creek Natural Features Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./02–071.

Sch. 5 Pt 3  
Div. 3  
inserted by  
No. 57/2006  
s. 26(3).

### **Division 4—Nathalia Natural Features Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./06–064.

Sch. 5 Pt 3  
Div. 4  
inserted by  
No. 57/2006  
s. 26(3).

### **Division 5—Numurkah Natural Features Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./10-103.

Sch. 5 Pt 3  
Div. 5  
inserted by  
No. 57/2006  
s. 26(3),  
amended by  
No. 35/2010  
s. 18(2).

### **Division 6—Wattville Natural Features Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./06–066.

Sch. 5 Pt 3  
Div. 6  
inserted by  
No. 57/2006  
s. 26(3).

### **Division 7—Devilbend Natural Features Reserve**

The land delineated and shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./06-317.

Sch. 5 Pt 3  
Div. 7  
inserted by  
No. 54/2008  
s. 21.

Sch. 5 Pt 3  
Div. 8  
inserted by  
No. 54/2008  
s. 21,  
repealed by  
No. 7/2012  
s. 24(2).

\* \* \* \* \*

Sch. 5 Pt 3  
Div. 9  
inserted by  
No. 90/2009  
s. 23.

**Division 9—Aireys Inlet Natural Features Reserve**  
Crown allotment 19J, Parish of Angahook.

## **Part 4—Historic and cultural features reserves**

### **Division 1—Eldorado Historic Reserve**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./04–032.

Sch. 5 Pt 4A  
(Heading and  
Divs 1–3)  
inserted by  
No. 57/2006  
s. 26(4).

## **Part 4A—Regional parks**

Sch. 5 Pt 4A  
Div. 1  
inserted by  
No. 57/2006  
s. 26(4).

### **Division 1—Bendigo Regional Park**

The land delineated and coloured pink or coloured yellow on the plans lodged in the Central Plan Office and numbered LEGL./06–067A, LEGL./06–067B, LEGL./06–067C and LEGL./06–067D.

Sch. 5 Pt 4A  
Div. 2  
inserted by  
No. 57/2006  
s. 26(4).

### **Division 2—Kurth Kiln Regional Park**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./06–068.

**Division 2A—Murray River Park**

The land delineated and coloured pink or coloured yellow on the plans referred to in the Order under section 47BA(3).

Sch. 5 Pt 4A  
Div. 2A  
inserted by  
No. 82/2009  
s. 32(1).

**Division 3—Macedon Regional Park**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./14-055.

Sch. 5 Pt 4A  
Div. 3  
inserted by  
No. 57/2006  
s. 26(4),  
amended by  
Nos 57/2006  
s. 29, 7/2012  
s. 24(3),  
12/2016 s. 5.

**Division 4—Kerang Regional Park**

The land delineated and coloured pink or coloured blue on the plan lodged in the Central Plan Office and numbered LEGL./09-318.

Sch. 5 Pt 4A  
Div. 4  
inserted by  
No. 82/2009  
s. 32(2).

**Division 5—Shepparton Regional Park**

The land delineated and coloured pink or coloured yellow on the plans lodged in the Central Plan Office and numbered LEGL./09-388 and LEGL./09-389.

Sch. 5 Pt 4A  
Div. 5  
inserted by  
No. 82/2009  
s. 32(2).

**Division 6—Canadian Regional Park**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./15-227.

Sch. 5 Pt 4A  
Div. 6  
inserted by  
No. 12/2016  
s. 6.

**Division 7—Hepburn Regional Park**

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./15-242.

Sch. 5 Pt 4A  
Div. 7  
inserted by  
No. 12/2016  
s. 7.

## **Part 5—Miscellaneous reserves**

Sch. 5 Pt 5  
(Heading and  
Divs 1, 2)  
inserted by  
No. 60/2005  
s. 27(2).

### **Division 1—Port Campbell Coastal Reserve**

Sch. 5 Pt 5  
Div. 1  
inserted by  
No. 60/2005  
s. 27(2).

The land delineated and shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./05-311.

Purposes of the reservation—

The purposes of the protection of the coast.

### **Division 2—Port Campbell Recreation and Camping Reserve**

Sch. 5 Pt 5  
Div. 2  
inserted by  
No. 60/2005  
s. 27(2).

The land delineated and shown cross-hatched on the plan lodged in the Central Plan Office and numbered LEGL./05-311.

Purposes of the reservation—

The purposes of public recreation and camping.

### **Division 3—Gippsland Lakes Reserve (Raymond Island)**

Sch. 5 Pt 5  
Div. 3  
inserted by  
No. 57/2006  
s. 26(5),  
repealed by  
No. 90/2009  
s. 24(1),  
new Sch. 5  
Pt 5 Div. 3  
inserted by  
No. 7/2012  
s. 24(4).

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./11-188.

Purposes of the reservation—

The purposes of conservation, education and recreation.

### **Division 4—Kerang State Wildlife Reserve**

Sch. 5 Pt 5  
Div. 4  
inserted by  
No. 12/2016  
s. 8.

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./15-241.

Purposes of the reservation—

The purposes of the management of wildlife.

## **Part 6—Water reserves**

Sch. 5 Pt 6  
(Heading and  
Divs 1-8)  
inserted by  
No. 57/2006  
s. 26(6).

### **Division 1—Andersons and Macdonalds Reservoirs Water Reserve**

Sch. 5 Pt 6  
Div. 1  
inserted by  
No. 57/2006  
s. 26(6).

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./06–252.

### **Division 2—Bawden Reservoir Water Reserve**

Sch. 5 Pt 6  
Div. 2  
inserted by  
No. 57/2006  
s. 26(6).

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./06–253.

### **Division 3—Kitty English and Frank Mann Reservoirs Water Reserve**

Sch. 5 Pt 6  
Div. 3  
inserted by  
No. 57/2006  
s. 26(6).

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./06–254.

### **Division 4—Macdonalds Tank Water Reserve**

Sch. 5 Pt 6  
Div. 4  
inserted by  
No. 57/2006  
s. 26(6).

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./06–255.

### **Division 5—Orde Hill and Willimigongon Reservoirs Water Reserve**

Sch. 5 Pt 6  
Div. 5  
inserted by  
No. 57/2006  
s. 26(6).

The land delineated and coloured pink or coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL./06–256.

### **Division 6—Pierce Reservoir—Barringo Creek Water Reserve**

Sch. 5 Pt 6  
Div. 6  
inserted by  
No. 57/2006  
s. 26(6).

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./06–257.

Sch. 5 Pt 6  
Div. 7  
inserted by  
No. 57/2006  
s. 26(6).

### **Division 7—Reservoir A Water Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./06–258.

Sch. 5 Pt 6  
Div. 8  
inserted by  
No. 57/2006  
s. 26(6).

### **Division 8—Reservoirs B and C Water Reserve**

The land delineated and coloured pink on the plan lodged in the Central Plan Office and numbered LEGL./06–259.

Sch. 5 Pt 7  
(Heading and  
Divs 1, 2  
inserted by  
No. 54/2008  
s. 22.

## **Part 7—Forest parks**

Sch. 5 Pt 7  
Div. 1  
inserted by  
No. 54/2008  
s. 22,  
substituted by  
Nos 90/2009  
s. 24(2),  
35/2010  
s. 18(3),  
amended by  
Nos 7/2012  
s. 24(5),  
12/2016 s. 9.

### **Division 1—Otway Forest Park**

The land delineated and coloured pink or coloured yellow on the plans lodged in the Central Plan Office and numbered LEGL./14-056, LEGL./14-057, LEGL./14-058, LEGL./14-059 and LEGL./14-060.

Sch. 5 Pt 7  
Div. 2  
inserted by  
No. 54/2008  
s. 22,  
amended by  
No. 12/2016  
s. 10.

### **Division 2—Cobboboonee Forest Park**

The land delineated and coloured pink on the plans lodged in the Central Plan Office and numbered LEGL./15-225 and LEGL./15-226.

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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 **Crown Land (Reserves) Act 1978** was assented to on 19 December 1978 and came into operation on 1 March 1979: Government Gazette 21 February 1979 page 441.

#### 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).

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- **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 **Crown Land (Reserves) Act 1978** by Acts and subordinate instruments.

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### **Crown Land (Reserves) Act 1978, No. 9212/1978**

*Assent Date:* 19.12.78  
*Commencement Date:* S. 59(2) inserted on 19.10.06 by No. 57/2006 s. 24:  
Government Gazette 19.10.06 p. 2221  
*Note:* S. 59(2) provided that s. 59 expired on 30.06.10  
*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

### **Post-Secondary Education (Amendment) Act 1980, No. 9424/1980**

*Assent Date:* 20.5.80  
*Commencement Date:* S. 3(2) on 25.6.80: Government Gazette 25.6.80  
p. 2121  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

### **Town and Country Planning (Amalgamation) Act 1980, No. 9425/1980**

*Assent Date:* 20.5.80  
*Commencement Date:* S. 15 on 2.2.81: Government Gazette 30.1.81 p. 311  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

### **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

### **Crown Land (Reserves) (Amendment) Act 1981, No. 9551/1981**

*Assent Date:* 19.5.81  
*Commencement Date:* 19.5.81: s. 1(3)  
*Current State:* All of Act in operation

### **Companies (Consequential Amendments) Act 1981, No. 9699/1981**

*Assent Date:* 5.1.82  
*Commencement Date:* S. 23 on 1.7.82: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

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**Statute Law Revision (Repeals) Act 1982, No. 9863/1982**

*Assent Date:* 5.1.83  
*Commencement Date:* 5.1.83  
*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

**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

**Crown Land (Reserves) (Amendment) Act 1984, No. 10144/1984**

*Assent Date:* 13.11.84  
*Commencement Date:* 13.11.84  
*Current State:* All of Act in operation

**Town and Country Planning (Transfer of Functions) Act 1985, No. 10187/1985**

*Assent Date:* 4.7.85  
*Commencement Date:* All of Act (*except* ss 5, 6(1), 8(2)) on 1.7.85: s. 2(1);  
ss 5, 6(1), 8(2) on 1.7.86: Government Gazette 18.6.86  
p. 2066  
*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

**Conservation, Forests and Lands Act 1987, No. 41/1987**

*Assent Date:* 19.5.87  
*Commencement Date:* Ss 103(Sch. 4 items 9.1–9.21), 116(8) on 1.7.87:  
Government Gazette 24.6.87 p. 1694  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Planning and Environment Act 1987, No. 45/1987**

*Assent Date:* 27.5.87  
*Commencement Date:* S. 205(Sch. 2 item 12) on 16.2.88: Government  
Gazette 10.2.88 p. 218  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Libraries Act 1988, No. 80/1988**

*Assent Date:* 20.12.88  
*Commencement Date:* 24.5.89: Government Gazette 24.5.89 p. 1222  
*Current State:* All of Act in operation

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**Local Government (Consequential Provisions) Act 1989, No. 12/1989** (as amended by No. 13/1990)

*Assent Date:* 9.5.89  
*Commencement Date:* S. 4(1)(Sch. 2 items 21.1–21.8, 21.11, 21.12) on 1.11.89: Government Gazette 1.11.89 p. 2798; Sch. 2 items 21.9, 21.10 on 3.6.92: Government Gazette 3.6.92 p. 1306  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**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

**Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989**  
(as amended by No. 34/1990)

*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 (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

**Mineral Resources Development Act 1990, No. 92/1990**

*Assent Date:* 18.12.90  
*Commencement Date:* S. 128(Sch. 1 item 4) on 6.11.91: Government Gazette 30.10.91 p. 2970  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Land (Crown Grants and Reserves) Act 1993, No. 5/1993**

*Assent Date:* 27.4.93  
*Commencement Date:* 9.4.92: s. 2  
*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

**Mineral Resources Development (Amendment) Act 1993, No. 86/1993**

*Assent Date:* 3.11.93  
*Commencement Date:* S. 40 on 17.1.94: Government Gazette 16.12.93 p. 3317  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

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**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**

*Assent Date:* 13.12.94  
*Commencement Date:* Ss 46–48 on 26.1.95: Government Gazette 26.1.95 p. 163  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Water Industry Act 1994, No. 121/1994**

*Assent Date:* 20.12.94  
*Commencement Date:* S. 207 on 1.1.95: Special Gazette (No. 105) 23.12.94 p. 1  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Coastal Management Act 1995, No. 8/1995**

*Assent Date:* 26.4.95  
*Commencement Date:* S. 42(1) on 6.7.95: Government Gazette 6.7.95 p. 1698; s 42(2)–(6) on 26.4.97: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Ports Acts (Amendment) Act 1995, No. 23/1995**

*Assent Date:* 16.5.95  
*Commencement Date:* Ss 3, 4 on 16.11.95: Government Gazette 16.11.95 p. 3170  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Financial Management and Audit Acts (Amendment) Act 1995, No. 43/1995**

*Assent Date:* 14.6.95  
*Commencement Date:* S. 16 on 14.6.95: s. 2(6)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Extractive Industries Development Act 1995, No. 67/1995**

*Assent Date:* 17.10.95  
*Commencement Date:* S. 58(Sch. 1 item 5) on 1.6.96: Special Gazette (No. 60) 31.5.96 p. 4  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

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**Electricity Industry (Further Amendment) Act 1996, No. 48/1996**

*Assent Date:* 26.11.96  
*Commencement Date:* Ss 25–28 on 26.11.96: s. 2  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Miscellaneous Acts (Further Omnibus Amendments) Act 1996, No. 73/1996**

*Assent Date:* 17.12.96  
*Commencement Date:* S. 12 on 17.12.96: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Electricity Industry (Further Miscellaneous Amendment) Act 1997, No. 55/1997**  
(as amended by No. 91/1997)

*Assent Date:* 21.10.97  
*Commencement Date:* S. 25 on 21.10.97: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**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 **Crown Land (Reserves) Act 1978**

**Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998, No. 76/1998**

*Assent Date:* 10.11.98  
*Commencement Date:* S. 6 on 15.12.98: s. 2(5); Pt 4 (s. 42) on 1.7.99: s. 2(4)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Transfer of Land (Single Register) Act 1998, No. 85/1998** (as amended by No. 74/2000)

*Assent Date:* 17.11.98  
*Commencement Date:* S. 24(Sch. item 15) on 1.1.99: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Water Industry (Amendment) Act 2000, No. 66/2000**

*Assent Date:* 8.11.00  
*Commencement Date:* S. 51(1) on 15.4.99: s. 2(2); s. 52 on 9.11.00: s. 2(1); ss 48–50, 51(2)(3) on 1.12.01: s. 2(4)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Electricity Industry Legislation (Miscellaneous Amendments) Act 2000, No. 69/2000**

*Assent Date:* 21.11.00  
*Commencement Date:* S. 48 on 1.1.01: s. 2(4)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

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**Statute Law Revision Act 2000, No. 74/2000**

*Assent Date:* 21.11.00  
*Commencement Date:* S. 3(Sch. 1 item 31) on 22.11.00: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Statute Law Amendment (Authorised Deposit-taking Institutions) Act 2001,  
No. 11/2001**

*Assent Date:* 8.5.01  
*Commencement Date:* S. 3(Sch. item 19) on 1.6.01: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Corporations (Consequential Amendments) Act 2001, No. 44/2001**

*Assent Date:* 27.6.01  
*Commencement Date:* S. 3(Sch. item 27) on 15.7.01: s. 2  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Statute Law (Further Revision) Act 2002, No. 11/2002**

*Assent Date:* 23.4.02  
*Commencement Date:* S. 3(Sch. 1 item 14) on 24.4.02: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**National Parks (Box-Ironbark and Other Parks) Act 2002, No. 50/2002**

*Assent Date:* 29.10.02  
*Commencement Date:* Ss 17–19 on 30.10.02: s. 2  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Monetary Units Act 2004, No. 10/2004**

*Assent Date:* 11.5.04  
*Commencement Date:* S. 15(Sch. 1 item 4) on 1.7.04: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Road Management Act 2004, No. 12/2004**

*Assent Date:* 11.5.04  
*Commencement Date:* S. 154 on 1.7.04: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Sustainable Forests (Timber) Act 2004, No. 48/2004**

*Assent Date:* 16.6.04  
*Commencement Date:* S. 134 on 17.6.04: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

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**National Parks (Additions and Other Amendments) Act 2004, No. 64/2004**  
(as amended by No. 63/2006)

*Assent Date:* 12.10.04  
*Commencement Date:* Ss 25–31, Sch. 2 on 13.10.04: s. 2(1); ss 32, 33 on 27.2.12: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**National Parks (Otways and Other Amendments) Act 2005, No. 60/2005**

*Assent Date:* 20.9.05  
*Commencement Date:* Ss 21, 22 on 21.9.05: s. 2(1); ss 19, 23–27 on 11.12.05: Government Gazette 8.12.05 p. 2845; s. 20 on 30.6.06: s. 2(4); ss 32, 33 on 24.10.06: Special Gazette (No. 285) 24.10.06 p. 1  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Education and Training Reform Act 2006, No. 24/2006**

*Assent Date:* 16.5.06  
*Commencement Date:* S. 6.1.2(Sch. 7 item 11) on 1.7.07: Government Gazette 28.6.07 p. 1304  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**National Parks and Crown Land (Reserves) Acts (Amendment) Act 2006, No. 57/2006**

*Assent Date:* 15.8.06  
*Commencement Date:* Ss 18, 20, 21, 23, 26(3), 27, Sch. on 16.8.06: s. 2(1); ss 17, 19, 22, 24, 25, 26(1)(2)(4)(5) on 19.10.06: Government Gazette 19.10.06 p. 2221; ss 26(6), 28, 29 on 30.6.07: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Mineral Resources Development (Sustainable Development) Act 2006, No. 63/2006**

*Assent Date:* 29.8.06  
*Commencement Date:* S. 61(Sch. item 7) on 30.8.06: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Crown Land (Reserves) Amendment (Carlton Gardens) Act 2008, No. 14/2008**

*Assent Date:* 23.4.08  
*Commencement Date:* Ss 3, 4 on 24.4.08: s. 2  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

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**National Parks and Crown Land (Reserves) Acts Amendment Act 2008,  
No. 54/2008**

*Assent Date:* 23.9.08  
*Commencement Date:* Ss 13(1), 15, 18, 21 on 24.9.08: s. 2(1); ss 13(2), 14,  
16, 17, 19, 20, 22 on 9.11.08: Government Gazette  
6.11.08 p. 2574  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Resources Industry Legislation Amendment Act 2009, No. 6/2009**

*Assent Date:* 3.3.09  
*Commencement Date:* S. 48 on 1.1.10: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Crown Land Acts Amendment (Lease and Licence Terms) Act 2009, No. 40/2009**

*Assent Date:* 5.8.09  
*Commencement Date:* Ss 3(1), 4–14 on 6.8.09: s. 2(1); ss 3(2), 15–17 on  
1.7.11: s. 2(3)  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Criminal Procedure Amendment (Consequential and Transitional Provisions)  
Act 2009, No. 68/2009**

*Assent Date:* 24.11.09  
*Commencement Date:* S. 97(Sch. item 41) on 1.1.10: Government Gazette  
10.12.09 p. 3215  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009,  
No. 82/2009**

*Assent Date:* 8.12.09  
*Commencement Date:* S. 25 on 1.1.10: Government Gazette 17.12.09  
p. 3338; ss 24, 26–32 on 29.6.10: Government Gazette  
24.6.10 p. 1274  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009,  
No. 90/2009**

*Assent Date:* 15.12.09  
*Commencement Date:* Ss 18–24 on 20.8.10: Government Gazette 19.8.10  
p. 1799  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Transport Integration Act 2010, No. 6/2010 (as amended by No. 45/2010)**

*Assent Date:* 2.3.10  
*Commencement Date:* S. 25(5)(Sch. 2 item 3) 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 **Crown Land (Reserves) Act 1978**

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**Parks and Crown Land Legislation (Mount Buffalo) Act 2010, No. 35/2010**

*Assent Date:* 15.6.10  
*Commencement Date:* S. 15 on 8.7.10: Government Gazette 8.7.10 p. 1518;  
ss 16–18 on 21.8.10: Government Gazette 19.8.10  
p. 1799  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Climate Change Act 2010, No. 54/2010**

*Assent Date:* 14.9.10  
*Commencement Date:* S. 78 on 1.7.11: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Local Government and Planning Legislation Amendment Act 2010, No. 58/2010**

*Assent Date:* 14.9.10  
*Commencement Date:* Ss 44–47 on 24.9.10: Government Gazette 23.9.10  
p. 2186  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Traditional Owner Settlement Act 2010, No. 62/2010**

*Assent Date:* 21.9.10  
*Commencement Date:* Ss 109–112 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 **Crown Land (Reserves) Act 1978**

**Marine Safety Act 2010, No. 65/2010**

*Assent Date:* 28.9.10  
*Commencement Date:* S. 420(Sch. 3 item 5) on 1.7.12: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Parks and Crown Land Legislation Amendment Act 2012, No. 7/2012**

*Assent Date:* 6.3.12  
*Commencement Date:* Ss 20–24 on 1.9.12: Special Gazette (No. 291) 28.8.12  
p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Water Amendment (Governance and Other Reforms) Act 2012, No. 17/2012**

*Assent Date:* 3.4.12  
*Commencement Date:* S. 84 on 1.7.12: Special Gazette (No. 172) 29.5.12 p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

**Forests Amendment Act 2012, No. 46/2012**

*Assent Date:* 21.8.12  
*Commencement Date:* Ss 14–20 on 1.9.12: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

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**Justice Legislation Amendment Act 2013, No. 31/2013**

*Assent Date:* 4.6.13  
*Commencement Date:* S. 4 on 17.4.13: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Parks and Crown Land Legislation Amendment Act 2013, No. 79/2013**

*Assent Date:* 17.12.13  
*Commencement Date:* Ss 14, 15 on 18.12.13: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Fences Amendment Act 2014, No. 30/2014**

*Assent Date:* 15.4.14  
*Commencement Date:* S. 12 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 **Crown Land (Reserves) Act 1978**

**Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014**

*Assent Date:* 3.6.14  
*Commencement Date:* S. 10(Sch. item 42) 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 **Crown Land (Reserves) Act 1978**

**Filming Approval Act 2014, No. 51/2014**

*Assent Date:* 12.8.14  
*Commencement Date:* S. 9(Sch. 2 item 2) on 1.3.15: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Water Amendment (Flood Mitigation) Act 2014, No. 53/2014**

*Assent Date:* 12.8.14  
*Commencement Date:* S. 9 on 1.3.15: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

**Emergency Management (Control of Response Activities and Other Matters) Act 2015, No. 43/2015**

*Assent Date:* 22.9.15  
*Commencement Date:* S. 35 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 **Crown Land (Reserves) Act 1978**

**Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016, No. 12/2016**

*Assent Date:* 5.4.16  
*Commencement Date:* Ss 3–10 on 5.8.16: Special Gazette (No. 239) 2.8.16 p. 1; s. 19 on 1.12.16: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

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**Crown Land Legislation Amendment Act 2016, No. 51/2016**

*Assent Date:* 18.10.16  
*Commencement Date:* Ss 7–13 on 19.10.16: s. 2  
*Current State:* This information relates only to the provision/s  
amending the **Crown Land (Reserves) Act 1978**

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### 3 Amendments Not in Operation

This publication does not include amendments made to the **Crown Land (Reserves) Act 1978** by the following Act/s.

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#### **Traditional Owner Settlement Amendment Act 2016, No. 67/2016**

*Assent Date:* 15.11.16  
*Commencement Date:* S. 28 not yet proclaimed  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

#### **Victorian Fisheries Authority Act 2016, No. 68/2016**

*Assent Date:* 15.11.16  
*Commencement Date:* S. 161 not yet proclaimed  
*Current State:* This information relates only to the provision/s amending the **Crown Land (Reserves) Act 1978**

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At the date of this publication, the following provisions amending the **Crown Land (Reserves) Act 1978** were Not in Operation:

#### **Amending Act/s:**

#### **Traditional Owner Settlement Amendment Act 2016, No. 67/2016**

##### **28 Crown Land (Reserves) Act 1978**

- (1) After section 3C of the **Crown Land (Reserves) Act 1978** insert—

##### **"3D 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 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."

(2) After section 34 of the **Crown Land (Reserves) Act 1978** insert—

**"34A Transitional provision—Traditional Owner Settlement Amendment Act 2016**

- (1) If a traditional owner group entity has an agreement under Part 6 of the **Traditional Owner Settlement Act 2010**, section 13(5) and (6), as in force immediately before the commencement of section 9(6) of the **Crown Land Legislation Amendment Act 2016**, do not apply to the carrying out of an activity that would be a contravention of a saved regulation if—
- (a) the activity is an agreed activity that is being carried out by a member of the traditional owner group who is bound by the agreement; and
  - (b) the member of the traditional owner group is carrying out the agreed activity in accordance with the agreement and on land to which the agreement applies; and
  - (c) the saved regulation is not for the purpose of—
    - (i) ensuring public safety; or
    - (ii) prohibiting public access to an area of land in order to manage the land.

(2) In this section—

***saved regulation*** means a regulation to which section 34 applies."

**Victorian Fisheries Authority Act 2016, No. 68/2016**

**161 Definitions**

In section 3 of the **Crown Land (Reserves) Act 1978**, for the definition of *authorised officer substitute*—

*"authorised officer* means a person appointed as an authorised officer for the purposes of the **Land Act 1958** under—

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

#### 4 Explanatory details

<sup>1</sup> Ss 25–28:

Heading preceding s. 25 repealed by No. 8/1995 s. 42(6)(e).

S. 25 amended by Nos 10087 s. 3(1)(Sch. 1 item 34), 41/1987 s. 103(Sch. 4 items 9.19, 9.20), repealed by No. 8/1995 s. 42(6)(a).

S. 26(a)–(e) amended by Nos 9425 s. 15, 9551 s. 6, 45/1987 s. 205(Sch. item 12), repealed by No. 8/1995 s. 42(5).

S. 26(f)–(h) repealed by No. 8/1995 s. 42(6)(b).

S. 27 amended by Nos 41/1987 s. 103(Sch. 4 item 9.21), 57/1989 s. 3(Sch. item 47.2), repealed by No. 8/1995 s. 42(6)(c).

S. 28 amended by Nos 9425 s. 15, 45/1987 s. 205(Sch. item 12), repealed by No. 8/1995 s. 42(6)(d).