

## VICTORIA



ANNO VICESIMO SEPTIMO  
ELIZABETHÆ SECUNDÆ REGINÆ

No. 9183

An Act to amend the *Land Act* 1958 and for other purposes.

[21st November, 1978.]

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

1. (1) This Act may be cited as the *Land (Amendment) Act* 1978. Short title.

(2) In this Act the *Land Act* 1958 is called the Principal Act.

Principal Act  
No. 6284.  
Reprinted to  
No. 8702.  
Subsequently  
amended by  
Nos. 8761,  
8839, 8996, 9019,  
9026, 9057, 9059,  
9075, 9102, 9126.

(3) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Commence-  
ment.

2. After Division 3 of Part I. of the Principal Act there shall be inserted the following Division :—

“ DIVISION 3A.—LOCAL LAND ADVISORY COMMITTEES.

37A. (1) The Minister may constitute a Local Land Advisory Committee for an area consisting of—

Amendment of  
No. 6284.  
New Division  
inserted.  
Local Land  
Advisory  
Committees.

(a) persons being officers of the public service of Victoria or employes of statutory authorities who are employed in departments or authorities concerned with the area ;

(b) a person

(b) a person or persons resident in the area being a member or members of the farming community in the area.

(2) A member of a committee may be a lessee or licensee of Crown land in the area in respect of which the Committee is appointed.

(3) The Minister may from time to time remove from office any member of a Local Land Advisory Committee and appoint another person in his stead.

(4) The function of every Local Land Advisory Committee shall be to encourage co-operation between all relevant bodies or persons in connexion with the care management and use of Crown land in the area which is held under cultivation leases or occupied under grazing licences or agistment permits and to advise the Minister on any matters related thereto."

Amendment of  
No. 6284.  
New  
subdivision  
and Division  
inserted.

Agistment  
permits.

3. In Part I. of the Principal Act after Division 8 there shall be inserted the following subdivision and Division :—

*" Subdivision 3.—Agistment Permits.*

133A. (1) The Secretary for Lands or any person duly authorized by him in that behalf may from time to time grant an agistment permit to any person to enter with cattle sheep or horses upon any reserve or other Crown lands not held under lease or licence under this Act or any repealed Act or taken up or required for the purposes of this Act.

(2) Agistment permits shall be in writing and may be granted on a weekly or monthly basis.

(3) The fee for an agistment permit shall be fixed by agreement or the calling of tenders whichever is considered appropriate by the person granting the permit.

(4) The receipt of the appropriate fee shall be sufficient evidence of the renewal of the grant of an agistment permit.

**DIVISION 8A:—CULTIVATION LEASES.**

Cultivation  
leases.

133B. (1) Where in the opinion of the Minister any unalienated land of the Crown is suitable for cultivation the Governor in Council may subject to this Division grant to an applicant a cultivation lease of such land or any part or parts thereof.

(2) The term of a cultivation lease shall not exceed 35 years.

(3) Every cultivation lease shall contain—

(a) a condition that the lessee shall at once and to the satisfaction of the Minister commence and continue to destroy and suppress on the land demised all

animals

animals and birds declared to be vermin and all plants declared to be noxious weeds under the *Vermin and Noxious Weeds Act 1958* and that the lessee shall keep the land demised free from vermin and noxious weeds ;

- (b) a condition that the lessee shall not clear native vegetation from any part of the land demised without first obtaining written permission from the Secretary for Lands ;
- (c) a condition that the lessee shall comply with any written direction received at any time from the Secretary for Lands with respect to any of the following matters:—
  - (i) Grazing management including fencing and the number and type of stock which may be depastured on the land ;
  - (ii) Water supply and other improvements ;
  - (iii) Frequency of cropping and cultivation ;
  - (iv) Timing and method of cultivation ;
  - (v) Retention of native vegetation on erosion prone areas or near salt pans ;
  - (vi) Reclamation of eroded areas ;
- (d) a condition that the lessee shall not transfer assign mortgage sublet or part with possession of the land without the consent of the Secretary for Lands ; and
- (e) such other covenants conditions and reservations as the Governor in Council thinks fit to impose.

(4) The rent payable under a cultivation lease shall be such amount as the Governor in Council directs at the time the lease is granted but where the lease is granted for a longer term than five years the rent shall be subject to review at the end of every period of five years from the date on which the lease was granted and after each such review the Minister shall specify the rent for the following five years.

133c. (1) If the Minister, after a public hearing under section 34 of which prior notice was given to every mortgagee of the lessee's interest, is satisfied that a lessee has failed to perform or comply with any of the covenants or conditions of his lease, the Governor in Council may by notice publish in the *Government Gazette* declare the lease to be forfeited.

(2) Upon the making of a declaration the interest created by the lease shall cease and determine and the right and title of the lessee in and to the lease and the land therein described and all moneys paid thereunder shall be absolutely forfeited.

(3) On

(3) On forfeiture of a lease the lessee may remove all buildings and improvements erected by him on the demised land making good to the satisfaction of the Secretary for Lands any injury to the land.

(4) Any such building or improvement not removed within such period as the Secretary for Lands directs shall be the property of the Crown and may be sold removed demolished or otherwise dealt with as the Secretary may direct and the cost and expenses of or incidental to any sale removal demolition and the making good of any injury to the land to the extent to which they exceed the net price received on the sale of any improvements or buildings shall be a debt due to the Crown by the former lessee."

Amendment of  
No. 6284  
s. 130.

4. (1) Section 130 of the Principal Act shall be amended as follows :—

(a) After sub-section (1) there shall be inserted the following sub-section:—

"(2) A licence under sub-section (1) shall be subject to an annual fee to be fixed in respect of each year of the licence by the Secretary for Lands."

(b) In sub-section (5) for the word "seven" there shall be substituted the expression "21";

(c) After sub-section (5) there shall be inserted the following sub-sections :—

"(5A) The Secretary for Lands may from time to time issue directions in writing to licensees with regard to the following matters :—

(a) Grazing management including fencing and the number and type of stock which may be depastured on the land ;

(b) Water supply ;

(c) Reclamation of eroded areas ; and

(d) Exclusion of stock from some areas in order to encourage regeneration of the vegetation or to enable any assessment of the effects of grazing in that area to be made.

(5B) Where a licensee fails to comply with a direction given under sub-section (5A) the licence may be cancelled at any time by the Governor in Council."

Secretary for  
Lands may  
give directions  
to licensees.

Amendment of  
No. 6284  
s. 134.

5. (1) In section 134 (4) (a) of the Principal Act in sub-paragraphs (ii) (iv) and (v) for the word "ten" (wherever occurring) there shall be substituted the word "five".

(2) Notwithstanding

(2) Notwithstanding the amendment of section 134 (4) (a) of the Principal Act by sub-section (1), the provisions of the said section 134 (4) (a) as in force prior to the commencement of this Act shall continue to apply to and in relation to leases granted prior to the coming into operation of this Act as if it had not been so amended.

6. (1) Sections 268 269 and 272 (3) of the Principal Act shall be repealed.

Amendment of  
No. 6284.  
Ss. 268, 269  
and 272 (3)  
repealed.

(2) Any sums standing to the credit of the Mallee Land Account at the commencement of this Act shall be paid into the Consolidated Fund.

7. Part III. of the Principal Act is hereby repealed.

Amendment of  
No. 6284.  
Part III.  
repealed.

8. Part VI. of the Principal Act is hereby repealed.

Amendment of  
No. 6284.  
Part VI.

9. In section 362A of the Principal Act for sub-section (2) there shall be substituted the following sub-sections :—

Amendment of  
No. 6284s. 362A.

“(1A) The Governor in Council may make a declaration under sub-section (1) in respect of part only of the land contained in the Crown grant if a separate certificate of title has been registered in respect of that part only of the land under the *Transfer of Land Act 1958*.

(2) On and from the date of any Order made pursuant to sub-section (1) the relevant Crown grant shall operate and have effect—

- (a) in the case of a declaration as to part only of the land contained in the Crown grant, as though the relevant condition, reservation, exception, power or provision was expressed to apply only to the remainder of the land contained in the Crown grant ;
- (b) in any other case as though the relevant condition, reservation, exception, power or provision were not contained therein.”

10. In section 1 of the Principal Act the Table of Parts Divisions and Subdivisions of the Act shall be amended as follows :—

(a) In the part of the Table relating to Part I. of the Act—

- (i) after the expression “Division 3.—Administration ss. 27-37.” there shall be inserted the expression “Division 3A.—Local Land Advisory Committees s. 37A.” ;

(ii) in

- (ii) in the part of the Table relating to Division 8 after the expression "Subdivision 2.—Grazing Licences ss. 130–133." there shall be inserted the expression "Subdivision 3.—Agistment Permits s. 133A." ;
  - (iii) after the Part of the Table relating to Division 8 there shall be inserted the expression "Division 8A.—Cultivation Leases ss. 133B–133C." ;
- (b) The part of the Table relating to Part III. is hereby repealed ;
- (c) The part of the Table relating to Part VI. is hereby repealed.