

Crown Lands Acts (Amendment) Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

Clause 1 sets out the purposes of the Bill.

Clause 2 provides for commencement of the various clauses of the Bill.

PART 2—AMENDMENTS TO THE LAND ACT 1958

Division 1—Leases and Licences

Amendments in this Division of the Bill will establish new, generic agricultural leases and licences.

Clause 3 amends section 3 to insert definitions for the purposes of the new lease and licence provisions, including definitions taken from Part XIII of the Act (unused roads and water frontages).

Clause 4 amends section 4 to clarify that Part I of the Act applies to all land in Victoria; this amendment is consequential to the repeal of Part II (Mallee lands).

Clause 5 inserts evidentiary provisions relating to the proclamation of roads.

Clause 6 makes a consequential amendment to section 34 to clarify that it does not apply to the new leases and licences. The new Division 8 contains specific provisions as to forfeiture, termination and cancellation (see clause 11).

Clause 7 inserts a new heading to Division 8.

Clause 8 inserts a new Subdivision 1 into Division 8. The new sections 121 to 126 provide for leasing of Crown land for agricultural purposes. There will be a generic lease to replace the existing range of leases applying to specific uses only (eg. grazing); the maximum term of the new lease will be 35 years (the current maximum for cultivation leases); options to renew and overholding clauses will be possible; the new section 124 lists conditions which may be included in the new leases.

Clause 9 inserts a new heading to Subdivision 2 of Division 8.

Clause 10 inserts new sections 130 to 130AC to create a new Subdivision 2 of Division 8. The new sections provide for licensing of Crown land for agricultural purposes. There will be a generic licence to replace the existing range of licences applying to specific uses only; the maximum licence period will be 35 years for water frontages and 99 years for unused roads and for Crown land under direct management, with options possible within that period. The new section 130AC lists conditions which may be included in the new licences.

Clause 11 inserts a new Subdivision 4 into Division 8. The new sections 133B to 133F are based on existing provisions which have been revised in light of the new Subdivisions 1 and 2. The new section 133E provides for compensation where an agricultural lease is terminated otherwise than for breach and the new section 133F provides for pro rata refund

of the licence fee paid where an agricultural licence is terminated, eg. where land under a licence is resumed in order to open a road.

Clause 12 makes consequential amendments to Division 9 of Part I of the Land Act.

Clause 13 makes a consequential amendment to section 134 and also amends section 137AA to provide for options to renew and overholding clauses in commercial leases of Crown land.

Clause 14 amends section 137A to provide for options to renew and overholding clauses in industrial leases.

Clause 15 makes consequential amendments to section 138 in relation to non-agricultural licences.

Clause 16 amends section 140 to increase the maximum term for non-agricultural licences from one year to ten years.

Division 2—Repeals and Amendments

This Division will repeal provisions in the Land Act which are now spent or which are no longer used. There are also amendments consequential to Division 1.

Clause 17 repeals definitions and is consequential to clause 18.

Clause 18 repeals provisions relating to classification of Crown land.

Clause 19 repeals provisions relating to local land advisory committees.

Clause 20 repeals provisions relating to selection purchase leases.

Clause 21 amends certain headings and is consequential to clauses 18, 19 and 20.

Clause 22 repeals provisions relating to auriferous lands.

Clause 23 repeals existing lease and licence provisions which are now to be replaced by the generic agricultural lease and licence.

Clause 24 repeals provisions relating to improvement purchase leases.

Clause 25 repeals provisions relating to settlement in the Mallee.

Clause 26 repeals spent provisions relating to settlement at Wonthaggi.

Clause 27 repeals definitions in section 399 of the Land Act which, by clause 3 of the Bill, are to be moved to section 3 of the Act.

Clause 28 repeals provisions relating to unused road and water frontage licences and is consequential to introduction of the new licence provisions.

Clause 29 repeals redundant regulation-making powers.

Clause 30 repeals the Third Schedule and is consequential to introduction of the new lease and licence provisions.

Division 3—Consequential amendments

Amendments in this Division are consequential to the amendments and repeals made by Divisions 1 and 2.

Clause 31 makes amendments consequential to the repeal of provisions relating to classification of Crown land (clause 18).

Clause 32 makes amendments consequential to introduction of the new lease and licence provisions (Division 1).

Clause 33 makes further amendments consequential to introduction of the new lease and licence provisions (Division 1).

Clause 34 inserts new section 362c relating to the construction of licences.

Clause 35 makes a statute law revision amendment.

Division 4—Savings and transitional provisions

This Division is consequential to the amendments and repeals contained in Divisions 1, 2 and 3 and will ensure that existing rights and entitlements are preserved.

Clause 36 is consequential to the repeal of land classification and Mallee lands provisions (clauses 18, 19 and 25).

Clause 37 provides for repealed provisions to continue to apply to existing selection purchase leases (clause 20).

Clause 38 provides for repealed provisions to continue to apply to existing auriferous land licences (clause 22).

Clause 39 provides for repealed provisions to continue to apply to existing grazing licences (Division 1).

Clause 40 provides for repealed provisions to continue to apply to existing cultivation leases (Division 1).

Clause 41 provides for repealed provisions to continue to apply to existing improvement purchase leases (clause 24).

Clause 42 provides for repealed provisions to continue to apply to existing leases in the Mallee (clause 25).

Clause 43 provides for repealed provisions to continue to apply to existing unused road and water frontage licences.

Clause 44 provides for a right of surrender in respect of existing leases and licences which will enable the holders to transfer to the new, generic tenures.

Clause 45 provides for construction of references and is consequential to the repeal of land classification and Mallee lands provisions (clauses 18, 19 and 25).

PART 3—AMENDMENTS TO THE CROWN LAND (RESERVES) ACT 1978

Clause 46 is consequential to the repeal of land classification provisions in the Land Act (clause 18).

Clause 47 inserts a new section 17F which provides for options to renew and overholding clauses in leases under the Crown Land (Reserves) Act.

Clause 48 makes statute law revision amendments to the Crown Land (Reserves) Act.

PART 4—AMENDMENTS TO THE CONSERVATION, FORESTS AND LANDS ACT 1987

Clause 49 provides for the Secretary to the Department of Conservation and Natural Resources to be able to enter into agreements with the Victorian Conservation Trust for the management of land owned by the VCT.

Clause 50 amends the evidentiary provisions of the Conservation, Forests and Lands Act in relation to roads on Crown land.

Clause 51 amends section 97 of the Conservation, Forests and Lands Act in consequence of the **Sentencing Act 1991**.

Clause 52 makes statute law revision amendments to the Conservation, Forests and Lands Act.

PART 5—AMENDMENTS TO THE FORESTS ACT 1958

Clause 53 permits the progressive transfer of responsibility for fire prevention and suppression in alpine resorts from the Department of Conservation and Natural Resources to the Country Fire Authority.

Clause 54 amends the regulation-making powers in the Forests Act in relation to devices or equipment capable of igniting fires.

Clause 55 makes amendments to the Forests Act consequential to the amendments to the Land Act to be made by the Bill.

Clause 56 makes statute law revision amendments to the Forests Act.

PART 6—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Clause 57 makes amendments to the **Local Government Act 1989** consequential to the amendments to the Land Act to be made by the Bill.

Clause 58 makes amendments to the **Valuation of Land Act 1960** consequential to the amendments to the Land Act to be made by the Bill.

Clause 59 makes amendments to the **Wire Netting Act 1958** consequential to the amendments to the Land Act to be made by the Bill.