

LEX LOCI'S TRAVELS

9 NOVEMBER 2016

An ad-hoc one-pager from The Public Land Consultancy

Lex Loci queues for a Dim-Sim

At South Melbourne Market they boast about having the best dim-sims in Melbourne.

Lex is skeptical about this claim, but queues up anyway just to relish the associated complexities of public land governance.



The start of the queue is out on the footpath – part of a government road, owned by the Crown, controlled by City of Port Phillip (CoPP) as Controlling Road Authority under the *Road Management Act 2004*, and managed by CoPP as Responsible Road Authority under the same Act. Here, on this side of the shop-counter, trading activity and street furniture are all governed by Council's local laws, made under the *Local Government Act 1989*.

Behind the counter, where the culinary delights in question are manufactured and sold, Lex finds a different set of governance arrangements. Here the land is ultimately owned by the Crown, but it's permanently reserved for the purposes of a market, and is the subject of a conditional Crown grant to CoPP, issued under the *Land Act 1863*.

Council as the land's controller has sub-delegated management to a 'section 86' Committee under the *Local Government Act 1989*. On the advice of this committee, Council has issued 70+ licences and leases to stall-holders, pursuant to the *Crown Land (Reserves) Act 1978*.

These leases (but not the licences) must also meet the requirements of the *Retail Leases Act 2003*.



Here, on the market side of the counter, activities and behaviors are governed by two sets of regulations simultaneously: the same local laws as apply out on the footpath, plus regulations made under the *Crown Land (Reserves) Act 1978*.

Lex has now reached the head of the queue, and to his disappointment finds that the dim-sim vendor doesn't want to know all these interesting facts. All she wants to know is whether he wants soy sauce.

See you there!
Lex Loci