

In this edition we bring you our schedule of course presentations through until October 2012

Our Training Course Program July to October 2012



Building Law and Regulation

Presenter –
Tom Vasilopoulos,
Victorian Bar

- Mon 30 July Melbourne
- Fri 21 Sept Melbourne
- Tues 23 Oct Geelong



Land Law for Managers of Roads, Streets and Lanes

Presenter –
Andrew Walker, Victorian Bar

- Thurs 26 July Wangaratta
- Mon 27 Aug Melbourne
- Tues 18 Sept Mildura
- Thurs 18 Oct Melbourne

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Easements & Restrictive Covenants

Presenter –
Astrid Di Carlo, Russell
Kennedy

- Wed 25 July Melbourne
(Russell Kennedy)
- Tues 28 Aug Melbourne
- Thurs 13 Sept Melbourne
- Tues 30 Oct Melbourne

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Our courses are presented at the Law Institute of Victoria in Melbourne, and at selected regional centres.

Cost \$495
inc GST, course notes and working lunch
Discounts for 'in-house' presentations

In-House Presentations

*Many Councils and Authorities engage us to present our courses in-house.
Preferred number of students – 10
Discounts for Host Organisations
margaret@publicland.com.au*

For full details of all these courses go to
www.publicland.com.au/professional_development

Scott Road Yarra Glen

We've added a new page to our website

www.publicland.com.au/pro-bono

It gives details of the decade-long struggle by a family of Yarra Glen farmers who need to use a government road.



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Crown Land Law

Presenter –
David Gabriel-Jones
Principal,
The Public Land Consultancy

- Tues 14 Aug Geelong
- Wed 12 Sept Melbourne
- Fri 26 Oct Melbourne



Leases and Licences of Public Land

Presenter –
Karen Hayes,
Property Manager,
City of Yarra

- Fri 20 July Melbourne
- Fri 10 Aug Melbourne
- Fri 14 Sept Benalla
- Fri 12 Oct Geelong



Land Law for Managers of Rivers and Lakes

Presenter –
David Gabriel-Jones
Principal,
The Public Land Consultancy

- Wed 18 July Melbourne
- Thurs 23 Aug Melbourne
- Thurs 27 Sept Geelong
- Mon 29 Oct Mildura



Land Information & its Interpretation

Presenter –
Jeremy Pearce,
Licensed Surveyor

- Tues 4 Sept Melbourne



Environmental Law A Strategic Overview

Presenter –
Brendan Sydes,
Principal Solicitor,
Environment Defenders Office

- Thurs 6 Sept Melbourne
- Tues 25 Sept Warrnambool
- Wed 18 Oct Ballarat



Vegetation and the Law

Presenter –
Brendan Sydes,
Principal Solicitor,
Environment Defenders Office

- Tues 9 Oct Melbourne

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Cost: \$495 including GST, course notes and working lunch. Discounts for course hosts.

**All Courses are one-day duration;
9:00 a.m. to 4:30 p.m.**

Enquiries and Registrations:

Margaret Mills
margaret@publicland.com.au
phone 9534 5128

For full details of all these courses go to
www.publicland.com.au/professional_development

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**Planning Law
A Strategic Overview**

Presenter –
Andrew Walker,
Victorian Bar

- Mon 30 July Melbourne
- Tues 23 Oct Melbourne



**Native Title &
Aboriginal Heritage**

Presenter –
David Yarrow, Victorian Bar

- Mon 17 Sept Melbourne
- Wed 29 Aug Ballarat



**Risk Management
on Roads and Public Land**

Presenter –
Michael Beasley,
Solicitor

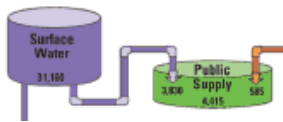
- Fri 29 June Melbourne
- Mon 10 Sept Geelong
- Thurs 25 Oct Melbourne



Subdivisions Law

Presenter,
Dr David Mitchell,
Director, Land Centre
RMIT University

- Thurs 26 July Melbourne
- Thurs 9 Aug Ballarat
- Thurs 20 Sept Melbourne
- Thurs 11 Oct Melbourne



**Land Law for
Service Utilities**

Presenter –
Astrid Di Carlo,
Russell Kennedy

- Fri 31 Aug Melbourne
- Wed 10 Oct Geelong



Coastal Land Law

Presenter –
David Gabriel-Jones
Principal,
The Public Land Consultancy

- Tues 21 Aug Geelong
- Tues 16 Oct Melbourne
- Mon 22 Oct Traralgon

Client Feedback

“Having attended a previous session with you I will highly recommend your training to my team.”

CEO of a rural municipality

To set up an In-House presentation, or to book into one of our scheduled presentations, contact Margaret Mills at margaret@publicland.com.au or on (03) 9534 5128.

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Readers of Terra Publica should not act on the basis of its contents which are of a general nature, capable of misinterpretation and not applicable in inappropriate cases. They do not, nor are they intended to, constitute legal or specific advice. The Public Land Consultancy is available to provide advice (other than legal advice) on Crown Land matters and will, on request, arrange legal advice for clients from an appropriate legal firm.

Please update
readers on adverse
possession of
council land

Q & A

What is a
Mechanics'
Institute?

Question from a Senior Technical Officer from a major provincial municipality.

Actually her full question was:-

I've been reading your report on adverse possession, and it says council land may be at risk. However, I have been advised by DSE that (and quote from their website) "Adverse possession... cannot be made against... council owned land." Please explain?

Clearly, our questioner had been doing some extensive research – but she'd missed an essential point. Our report is dated January 2004, whereas the legislative protection DSE refers to commenced in November 2004.

So our report predated the protection. In fact, we were commissioned by the MAV to write the report in order to lobby the government to make the legislative amendment granting the protection.

As for DSE's website, it is more-or-less accurate, but incomplete. The true position is this: there is no adverse possession against "Council land" which is a defined term, meaning "land of which a Council is a registered proprietor under the *Transfer of Land Act 1958*."

Most council-owned land does indeed fall within this definition and is therefore protected. BUT- there is also:-

- - land under 'old law' or 'general law' which is not under the TofL Act
- - land still in the name of some long-dead subdivider which council actually owns, but which has never been brought into council's name.

How can this gap be rectified?

- Old law land can be brought under the Torrens system using Part II of the *Transfer of Land Act 1958*
- In the case of old reserves, sec 24A of the Subdivision Act 1988 provides a way of bringing them into council's name
- Pre-1988 freehold roads are also likely to fall outside the definition, but it won't matter if they are 'public highways' in which case they will be protected under common law, as reinforced by sec 10 of the *Road Management Act 2004*.

Glad to see someone's reading our website !

Question asked by a Council property officer attending one of our Training Courses

Their origins of Mechanics' Institutes lie in provincial England in the darkest days of the industrial revolution, when they were set up for the betterment and education of the working classes.

'Mechanic' was the term applied to any skilled artisan. Shakespeare uses the word in this way in *A Midsummer Night's Dream*.

In Australia, Mechanics' Institutes were set up in many towns. As a recognised part of the civic fabric they were set out on Crown land – like schools and churches and public gardens. Up until 1978 the Land Acts provided that Crown land could be reserved for "State schools reformatories mechanics' institutes libraries museums picture galleries schools of mines or other institutions for public instruction..."



They were often housed in fine buildings. Over the years, many became municipal libraries, others became public halls, and some have been recycled as museums.

A few retain their educational purpose – although they have long since been subsumed into other academic institutions. Ballarat and Bendigo 'Schools of Mines' took over from local Mechanics' Institutes in 1871 and 1873 respectively.

In 1887 Melbourne's Working Men's College was founded, and has since grown into RMIT University. Another Mechanics' Institute became Footscray Tech, which in turn grew into Victoria University.

For some reason we're not sure of, two Mechanics' Institutes continue to enjoy the status of having their very own Acts of Parliament – those at Prahran and Terang.

Footnotes -

1 http://www.publicland.com.au/pdf/article_mav_adverse_possession.pdf

2 sec 7B of the Limitation of Actions Act 1958