



Farewell VEAC. Farewell M&CC.

On 30 June 2026 we wave goodbye to the Victorian Environment Assessment Council (VEAC) and the Marine and Coastal Council (M&CC). They are amongst the victims of the *Entities Legislation Amendment Act 2026*.

Statutory authorities come and go. Some are well past their use-by date. Others need a bit of a rethink: the County Court serves an important purpose, although *counties* are, for practical purposes, dead and gone.

As for VEAC, it could be argued that it has now done its job – building on its predecessors, the LCC and ECC. There is little if any Crown land out there waiting to be classified or allocated.

On the other hand, it could be argued that there is plenty of land (not necessarily Crown land) crying out for investigation: rivers and riparian frontages, unused and little-used roads, coasts and foreshores.

And plenty of governance issues: regulatory regimes, avenues of review and appeal, landlord-tenant relationships, appropriate roles for local government. The list goes on.

Anyway, the functions and responsibilities of VEAC and M&CC are now being transferred to the Commissioner for Environmental Sustainability (the CES). A very sound body, we're sure, within its legislated bounds.

But there's a gap. The CES is all about ecologically sustainable development and environmental values – not about property law, or public land governance.

Madam Premier, please tell us: where do we go from here? ■

In this edition we revisit past articles relating to VEAC and M&CC

From Terra Publica, June 2015



Bill Borthwick

As Minister of Lands in Henry Bolte's Liberal Government, Bill Borthwick had a fight on his hands. It was 1971, and he was committed to setting up the Land Conservation Council – later to be rebadged as the VEAC.

It wasn't the Labor Opposition that stood in his way, it was the Country Party.

As Hansard records, they were incredulous. Decisions about Crown land being made on the basis of independent advice, rather than political lobbying! Dereliction of Duty! *"The Minister is refusing to administer his department... refusing to exercise the powers provided him in the Land Act..."*

The Country Party had learned nothing from the Little Desert fiasco, which had seen the previous Minister lose not only his portfolio, but also his seat.

They argued: *"If an area of Crown land is not being used for forest production, then surely it is logical to make that land available to the adjoining landholder... There is nothing wrong with giving a dairy farmer an additional 100 acres..."*

Borthwick was undeterred. He pressed on to set up a system without precedent in Australia. One contributor to the debate described the legislation as *"epoch-making and which future generations will regard as a masterpiece of statesmanship."* ■

In 2015 VEAC was commissioned to undertake a Statewide Assessment of Public Land. Their 2017 report set the agenda for subsequent reforms to Crown land governance – reforms which are far from complete.

Our 2015 Submission to VEAC

We are pleased to have this opportunity of making a [submission to VEAC](#) on matters which we believe long overdue for the government's attention.

We submit that there should be a fundamental restructuring of the governance of Crown land reserves, particularly those reserves of local significance. This should be paralleled by a fundamental rewriting of relevant legislation, notably the *Land Act 1958* and *Crown Land (Reserves) Act 1978*.

Specifically, we offer 5 proposals:

- There should be no unreserved Crown land in Victoria
- We need to reassign Crown land reserves within a new conceptual framework
- Each Crown land reserve should be categorised according to its level of significance
- Rationalise reserve purposes, and abolish the temporary/permanent system
- Crown land reserves of local significance should be granted in freehold to local government.

On the basis of our extensive experience in this field we firmly believe that these propositions have merit. This experience includes a series of 8 workshops we held at various venues around the State during 2014, attended by 97 officers from 36 municipalities.

Our proposals may well constitute significant departures from long-established practice but, we would argue, that is not a criticism of the propositions, but rather an indictment of decades of political inaction.

If VEAC agrees that the propositions have merit, we would expect them to be aired in the interim report – thus providing a sound basis for wider public consideration in the later stages of the investigation. ■

VEAC's Legacy

The Statewide Assessment of Public Land, May 2017

It has been a decade since VEAC did this major piece of work, duly accepted by the government. With the demise of VEAC, we hope it has not all been abandoned.

R1 Adopt a new system of Crown land categories and overlays

Comment: Yes, but... The VEAC system of categories was suitable for broad-acre rural Crown land, but needs refinement if it is to apply to urban situations.

R3 Transfer the 1300+ historical CL(R) purposes across to that new system

Comment: Yes! What's needed is a process, perhaps municipality by municipality, whereby each reserve can be assessed and transferred across

R5 Expand the National Parks Act to include all conservation reserves

Comment: Good idea, but we stakeholders would like to see the detail, please

R6 Totally rewrite the Land Act, Crown Land (Reserves) Act and Forests Act

Comment: Excellent idea! Long overdue. We understand that the forthcoming Public Land Act (still under wraps) will do away with the Forests Act, but not the others.

R8 Standardise regulations

Comment: Excellent idea! Long overdue – but needs a referral to the Victorian Law Reform Commission

R9 Abandon the temporary / permanent system

R11 New system for designating relative importance of individual reserves

Comment: Yes! R9 and R11 go hand-in-hand. Let's start with the idea of categorising reserves as being of national, state, regional, or local significance – and governance arrangements will follow accordingly. ■

In 2009 the Government commissioned VEAC to look at Metropolitan Melbourne.

We were engaged (via Melbourne University) to address the contribution of public land to Melbourne's 'liveability.'



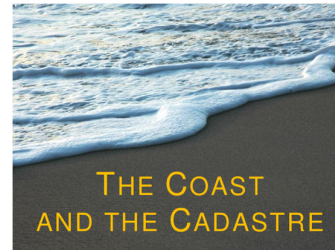
We often hear Melbourne described as one of the world's most liveable cities. Frankly, we wonder which part of the Metropolis the epithet applies to: inner Melbourne, middle, north, west, or the fringe growth areas?

One thing's for certain: public land is one parameter of liveability – and that brings us to a deficiency in VCAT's field of vision. They could look only at Crown land, not freehold land.

The Melbourne study stretched this a little, to include freehold held by public sector agencies, like Melbourne Water – but not freehold reserves created in subdivisions.

As Melbourne expands and reconfigures middle suburbia, the distinction between Crown public land and freehold public land will surely need to be rethought. ■

In 2019 VEAC reported on Victoria's Marine Environment. We assisted with an analysis of the associated cadastral systems.



The Coastal Cadastre

- The meaning of HWM and LWM in the context of the Victorian coastline
- How their position may be ascertained by cadastral surveyors
- How such topographic features have been used as parcel cadastral boundaries
- How such features may move in response to natural or artificial events
- Whether the related cadastral boundaries move in response
- The common law doctrine of accretion and diluvion
- Responses by the Surveyor General, the courts, and the Parliament.

Challenges and Policy Commentary

- Coastal Change – Potential Responses
 - Potential Legal Challenges
 - Topographic features as Coastal Cadastral Boundaries
- Relevance and utility of the Doctrine of Accretion. ■



Statues Stand, Statues Topple

In our January edition, *Terra Publica* looked at statues on Victoria's public land – and noted a general absence of commemorations of Indigenous Australians. To see Nicky Winmar lifting his footy jumper to confront the racists, you would have to go to Perth.

Well, it has been pointed out to us that there is a fine statue of Pastor Sir Doug Nicholls and his wife Lady Gladys in the Parliament gardens in Melbourne. Thanks Peter! ■

The Public Land Consultancy acknowledges that our core work relates to the lands of Victoria's Traditional Owners. We promote recognition of Indigenous rights through study, policy and law.

Professional Development June to August 2026

*NOTE: some presentations are 2 sessions, each of 3 hours.
Others are 3 sessions, each of 2 hours duration*



	<p>Land Law for Service Utilities</p> <p>18 and 19 June 10 am to 1 pm</p> <p>Nick Sissons (Russell Kennedy)</p>		<p>Crown Land Governance</p> <p>23, 24 & 25 June 10 am to 12 pm</p> <p>David Gabriel-Jones</p>
	<p>Coastal Land Management</p> <p>14, 15 & 16 July 10 am to 12 pm</p> <p>Richard O'Byrne</p>		<p>Roads Governance</p> <p>14, 15 & 16 July 10 am to 12 pm</p> <p>David Gabriel-Jones</p>
	<p>Statutory Approvals on Public Land</p> <p>21 & 22 July 10 am to 1 pm</p> <p>Nick Sissons (Russell Kennedy)</p>		<p>Land Law for Managers of Rivers and Riparian Land</p> <p>28, 30 & 31 July 10.30 am to 12.30 pm</p> <p>Johanna Slijkerman (Water Technology)</p>
	<p>Property Law & Planning</p> <p>4 & 5 August 10 am to 1 pm</p> <p>Lydia Eastwood (Redmond Lynch Lawyers)</p>		<p>Native Title and Aboriginal Heritage</p> <p>11 & 12 August 10 am to 1 pm</p> <p>Henry Dow (Marrawah Law)</p>
	<p>Land Law and Subdivisions</p> <p>Wed 15 July 9 am to 4.30 pm <i>One day presentation</i> Russell Kennedy, Level 18, 500 Bourke Street, Melbourne</p> <p>Mark Bartley (Russell Kennedy)</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Surveyors note... This is a 'face to face' presentation worth 4 cadastral points and 2 development planning points</i></p> </div>	<p>How our retainers work...</p> <p>Your authorised staff call us whenever they need our advice. We keep a log of time committed and send you a quarterly invoice against your purchase order.</p> <p><i>It's a service being taken up by metropolitan and provincial councils. If it interests you, please call David on (03)9534 5128</i></p>	

Cost:

\$550 including GST, course notes and certificate of attendance

Accreditation:

These courses are eligible for CPD points for lawyers, planners, valuers, and surveyors.

Registrations:

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The Public Land Consultancy provides advice on governance of, and policy relating to, Crown land and other public land. The Public Land Consultancy is not a legal practice and its reports are not and should not be regarded as legal advice. The Public Land Consultancy will, on request, arrange legal advice for clients from its various legal associates.