



# LEASES AND LICENCES OF PUBLIC LAND

## A 3-Session On-line Course for Managers and Users of Public Land

### COURSE CONTENT

#### **Session 1 – The law governing tenures**

##### **Landlords and Tenants**

- Basic property law: Crown land, freehold, Native title
- Tenures: leases, licences, and agreements; unauthorized occupations and adverse possession
- Councils' roles - as landowner, local government, delegated manager, or as tenant.

##### **The Legislation**

- The *Land Act 1958*; the *Crown Land (Reserves) Act 1978*
- The *Property Law Act 1958*, *Transfer of Land Act 1958* and other Acts relating principally to freehold land
- *Retail Leases Act 2003*; *Residential Tenancies Act 1997*

#### **Session 2 – The administration of tenures**

##### **Negotiating Tenures**

- Competition Policy, Expressions of Interest and Tenders
- Term, rental, risk apportionment, rights & responsibilities
- Community tenants and subsidised rentals

##### **Managing Tenures**

- Sub-tenures, mortgages, assignments, and variations
- Compliance, enforcement, penalties, dispute resolution
- Terminations and renewals

#### **Session 3 – Current and emerging issues**

##### **Responding to the Changing Law**

- The *Local Government Act 2020*: Community Action Plans and Community Asset Committees
- The elements of a clear and consistent tenancy policy
- The Auditor General's commentary on subsidisation
- The forthcoming rewrite of Crown land legislation

##### **Responding to the Changing Community**

- Growth, multiculturalism and diversity
- From single-use to multiple use facilities
- The evolving distinction between 'community' and 'commercial'

### **Community Tenures are Changing**

Community tenures have always been complex – for Crown land and freehold land alike. Now is the time for reform -

- As communities grow, evolve, and diversify
- As facilities re-emerge from the COVID-19 lockdown
- As councils live with both the new (2020) and old (1989) *Local Government Acts*
- As we head towards the reform of Crown land legislation, and
- As budgets tighten.

This course provides groundwork for a re-assessment of the relationships between municipalities, communities, and their public land.

### **Your Presenter Richard O'Byrne**

*Richard is an Associate with The Public Land Consultancy. Earlier, he held senior positions with DEECA and Parks Victoria. He now specialises in consultancy engagements relating to the community use of public land.*

### **Cost**

\$550 per person  
for the 3-Session course  
including GST, full course notes  
Maximum Class size 10 students

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