

LEX LOCI'S TRAVELS

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Lex Watches Boundaries Move at Lake Bullen Merri

When Lex goes fishing in Lake Bullen Merri he catches absolutely nothing. He just can't relax with a line in the water and a beer in the hand. He's too busy watching the title boundaries move around.



Lake Bullen Merri is 60 metres deep, but (over time) it rises and falls. Up on the banks of its volcanic crater is visible evidence of earlier, higher shorelines. And 20m below the surface tree stumps testify to lower, submerged shorelines.

It's not unusual for bodies of water to rise and fall - maybe on a daily basis, maybe over geological eras. In some cases cadastral boundaries move in response; in other cases they don't. It's called the [doctrine of accretion and diluvion](#). But does it matter?

Lake B-M itself is Crown land. Lex can paddle his tinnie on it, or wade around its edges. But two-thirds of the land adjoining the lake is freehold. If Lex sets foot on it, he's trespassing. **And each year, as the water level drops, an annulus of wet land becomes dry land. That's right: a narrow strip of Crown land becomes freehold land.**

The abutting owners are well aware of this phenomenon. At intervals they

head off to Land Victoria and get their title documents amended to reflect their expanded domains.

At the same time, recreational anglers head off to the Minister responsible for fisheries, wanting to get access to the water along these private foreshores. **It's a contradiction: while the Victorian Fisheries Authority stocks the Lake with salmon, abutting owners put up 'no trespassing' signs.** They have valid concerns about insurance, stock management, and idiot control.

Lex re-checks the *Fisheries Act 1995* and confirms that one of its objectives (sec. 3(d)) is 'to facilitate access to fisheries resources for commercial, recreational, traditional and non-consumptive uses.'



And then he checks the *Conservation Forests and Lands Act 1987* and finds provisions (sec. 69) for agreements with landowners to facilitate the operation of a 'relevant law' - such as the *Fisheries Act 1995*. Agreements which could address insurance, stock management and idiot control. Seems someone just isn't joining up the dots.

Lex gives up. He throws a line into the water and, with his other hand, grasps a cold can of beer.

See you there! Lex Loci