



Department of Environment,  
Land, Water & Planning

8 Nicholson Street  
East Melbourne, Victoria 3002  
PO Box 500  
East Melbourne, Victoria 8002  
[www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)

Ms Hayley Philpot  
Coroner's Registrar  
Coroners Court of Victoria  
65 Kavanagh Street  
SOUTHBANK VICTORIA 3006

Ref: SBR008795



20 JAN 2017

Dear Ms Philpot

**INVESTIGATION INTO THE DEATH OF ANITA KALNINS – COR 2014 005652**

Please find attached the Department of Environment, Land, Water and Planning's response to Coroner Jamieson's recommendations in relation to the above investigation.

If you have any further questions in relation to this matter, please contact Will Guthrie, Director Land Policy, at [will.guthrie@delwp.vic.gov.au](mailto:will.guthrie@delwp.vic.gov.au).

Yours sincerely

**Adam Fennessy**  
Secretary

Enc.

**Recommendation 1: That the Secretary of the Department of Environment, Land, Water and Planning coordinate a review of the Land Act 1958 (Vic), in particular reviewing the purpose of the Act; the remedies available for contravention of the Act – including whether penalty units are appropriately substantial and deterring; the application of the Act; and the consistency of the Act with relevant policy issues.**

The Department proposes to implement an alternative to the coroner's recommendation.

The Department will initiate a review of aspects of the *Land Act 1958* in consultation with Parks Victoria. This review will focus on unauthorised commercial activities on licensed Crown frontages, including a review of relevant regulations, and any difficulties in interpretation and implementation. This review will be completed by July 2017 and the Department will provide the Minister for Energy, Environment and Climate Change with recommendations on any changes to the legislation that may be required.

In 2016, through the *Crown Land Legislation Amendment Act 2016*<sup>1</sup>, amendments were made to the *Land Act 1958* to improve the effectiveness of the enforcement of any contravention of the regulations. The amendments increased the maximum penalty from 0.2 penalty units (\$31.10) to 20 penalty units (\$3109.20) for contravention of the regulations. This will act as more of a deterrent to undesirable behaviour, improve the effectiveness of enforcement of any contravention of the regulations and align the penalty with those applying to offences in other legislation. In 2017, the Department intends to amend the regulations to reflect this increased penalty.

**Recommendation 2: That the Secretary of the Department, Land, Water and Planning include a clause within standard licenses for reasonable vehicle access by DELWP or PV staff through the licensee's freehold land adjacent to the licensed crown land for the purpose of managing that land, including reviewing and amending existing licenses.**

The Department is actively considering Coroner Jamieson's recommendation.

Agricultural licences are typically issued so that they all expire at the same time. The term of the current licences expires in October 2019. The Department will consider a new clause/s that would apply to those licences where practical access to the licensed land is restricted to using the licensee's freehold land. The clause would require the licensee to provide reasonable access through the freehold land for DELWP and PV staff, for the purposes of ensuring compliance with the licence conditions.

Where effective, this will be included on new licences due to be issued in October 2019. In addition, the Department will investigate other possible options for managing access to licensed Crown land that is surrounded by freehold land to assess whether another feasible option can be implemented before this date.

---

<sup>1</sup>See:[http://www.legislation.vic.gov.au/domino/web\\_notes/ldms/pubstatbook.nsf/f932b66241ecf1b7ca256e92000e23be/4456FBFE91A41671CA25805000097B0D/\\$FILE/16-051aa%20authorised.pdf](http://www.legislation.vic.gov.au/domino/web_notes/ldms/pubstatbook.nsf/f932b66241ecf1b7ca256e92000e23be/4456FBFE91A41671CA25805000097B0D/$FILE/16-051aa%20authorised.pdf)

**Recommendation 3: That the Secretary of the Department, Land, Water and Planning consider whether Rick and Sheree Coulthard have conducted a recreational activity on crown land for profit without a tour operator licence, contrary to section 140H of the Land Act, and whether prosecution is warranted.**

The Department has implemented the Coroner's recommendation.

The Department has considered whether Rick and Sheree Coulthard committed an offence against section 140H of the Land Act 1958. Due to the one year limitation period for issuing charges for summary offences, the Department would be unable to prosecute any offence committed in 2014. However, the Department is committed to taking future enforcement action and responding to reports of further possible breaches of the *Land Act 1958* by the Coulthard's.