



Landcare Notes

Permits and permissions in Victoria

As part of achieving your goals, your group is likely to be confronted with legal responsibilities for which you need to gain certain permits and permissions.

There are usually very good reasons behind the need to get this type of paperwork, so if you choose not to obtain them you can expose yourselves to substantial legal risk.

This Landcare Note explains the types of documentation you may need, but a word of caution. It only provides general guidance and you should contact the relevant authorities to ensure you have up-to-date advice on the permits and permissions you may require.

What permits and permissions are needed?

Getting the right permits and permissions related to the activity you are planning will help you fulfil some of the legal obligations associated with that activity.

As a group operating in Victoria, the legal requirements you need to meet are defined by both Federal and State laws and include issues such as health and safety; environment, pollution, planning, finance, taxation and Aboriginal heritage.

Each piece of legislation may have its own regulations setting down a certain way of doing things, or things that you may not do. Examples are the *Native Vegetation Regulations* under the Planning and Environment Act (1987), and using an operator with an *Agricultural Chemical Users Permit* (ACUP) when spraying a restricted chemical as is required under the Agricultural and Veterinary Chemicals (Control of Use) Act of 1992. Some of the more common permits and

permissions required by Landcare groups include the following – and please note, this is not an exhaustive list:

Vehicles and equipment

Most vehicles, and larger plant or equipment need to be registered under state law. To use those vehicles, the driver will need an appropriate licence (car or truck) and for some equipment the operator will need the appropriate operators' licence.

Chemicals

Your group will often need to use restricted chemicals for pest plant and animal control. These chemicals have detailed instructions and must be used according to those instructions. The 'Directions For Use' section of the label provides details about the pests the chemical will control, the situations in which it can be used, how it is to be applied and the rates at which it must be used. Each chemical can only be used legally on the pest species specified on its label (in some cases permits can be granted for 'off-label' use of a chemical).

Most chemicals also have an associated Materials Safety Data Sheet (MSDS) which contains information about the properties of that substance and how to handle or work with that substance in a safe way.

Anyone who is using 'restricted use' chemicals (typically Schedule 7 poisons) must hold a current Agricultural Chemical Users Permit (ACUP). If you are applying for this permit for the first time, you need to have done an accredited course in agricultural chemical use before you apply.

Local laws

Your local council may also have laws that require you to get a permit for a specific activity such as vegetation removal or burning-off, so check with the council office before you start such a project.



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Property access and works

Many of your activities will involve going onto property which may be privately or publicly owned. Some of your activities may also include on-ground works.

You will need to get permission from the relevant property owner to go onto the property and you may also need some type of permit for the work you are doing. This mainly applies to working on public land. For example, working around waterways means you need a permit from the relevant waterway manager.

Flora and fauna

You will need a *Permit to Take Protected Flora* if you wish to collect seed or plant material from public land for propagation and a *Scientific Permit* (under the Wildlife Act, 1975) is needed if you want to trap native animals for monitoring or other research.

Determining the needs for permits and permissions

This Landcare Note has outlined some of the documentation you may need to carry out your activities but you will need to do some more detailed investigation to find out exactly what specific permits and permissions are required for your proposed activities.

In a situation where you need a permit, you will usually find there is an application form to be completed and lodged. That application is considered by the relevant authorities before they decide whether or not to grant the permit. You should allow plenty of time for this full process to be completed.

Much of the information needed to help you decide if a permit is required, along with the relevant application forms, is available on the internet. Here are some websites that may be useful:

Vehicles and equipment

- Vehicle registration:
www.vicroads.vic.gov.au/Home/Registration/

- Drivers' licences:
www.vicroads.vic.gov.au/Home/Licensing/

Chemicals

- Materials Safety Data Sheets:
<http://www.msds.com.au/>
- Agricultural Chemical Users Permit (ACUP):
www.dpi.vic.gov.au/DPI/nrenfa.nsf/LinkView/B00EF00049D82471CA256C760019C86B58055E7274A3E6C3CA256C380018EDBB

Local laws

- Search the website of your relevant local council

Property access and works

- Works on Waterways permit: search the website of your relevant Catchment Management Authority (or in the case of the Port Phillip and Westernport CMA, go to the Melbourne Water website)

Flora and fauna

- Permit To Take Protected Flora and/or Scientific Permit:
www.dse.vic.gov.au/dse/nrenpa.nsf/childdocs/-B1BECDD7C74958EE4A2567D7000250FE?open

Further references

Department of Primary Industries – *Chemical Standards Branch*:
<http://www.dpi.vic.gov.au/DPI/nrenfa.nsf/LinkView/BD5D7D3BA6D101AACAA256C2F00186568AEEB5FB62273660ACA256E75007F85EE>

Department of Sustainability and Environment
- *Flora and Fauna Guarantee Act: Controls over Protected Flora*:
<http://www.dse.vic.gov.au/DSE/nrenpa.nsf/fid/1D22359F94B1400DCA25778800813AAC>

Related Landcare Notes

This Landcare Note is one of a series. These notes provide an excellent guide for the ongoing operation of your group.



Victorian
Landcare
Program

Landcare Notes

Landcare Note 7.6

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