

# Minister for Treaty and First Peoples' Response to the

Review of the *Aboriginal Lands Act 1991 (Vic)*  
December 2023



First Peoples –  
State Relations

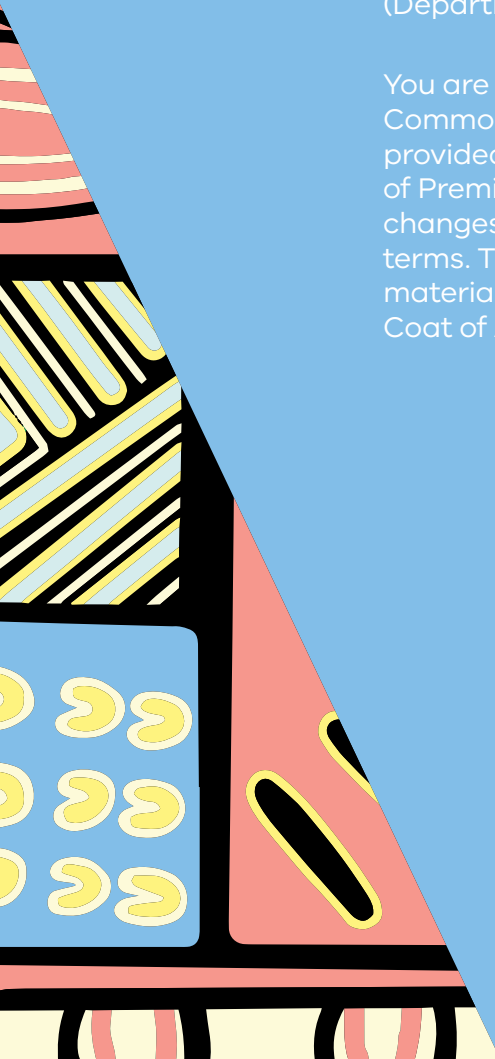
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Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne VIC 3002.

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# Acknowledgement

**The Victorian Government acknowledges the Traditional Owners of the lands and waters on which we live and work and pays respect to Elders past and present.**

The Victorian Government acknowledges and thanks titleholders and Traditional Owners for their leadership and input into the Review of the *Aboriginal Lands Act 1991 (Vic)* (the Review).

The Victorian Government acknowledges the invaluable contributions of many First Peoples who have paved the way and fought for the rights of First Peoples, including the right to true self-determination.

From time immemorial, First Peoples in Victoria have practised their Law and Lore, customs and languages, and nurtured Country through their spiritual, cultural, material and economic connections to land, water and resources. The Victorian Government acknowledges the strength and resilience of First Peoples in the face of colonisation, dispossession and historic and ongoing injustices, and the survival of First Peoples living cultures, knowledge and traditions.

## Minister's Foreword

I am pleased to present my response to the Review's recommendations for reform, all of which I support in full.



The Review's recommendations outline critical reforms to how Ebenezer Mission Cemetery, Ramahyuck Mission Cemetery and Coranderrk Mission Cemetery are managed and seek to enable greater self-determination for titleholders and Traditional Owners, now and into the future.

I am committed to amending the Act to support titleholders and Traditional Owners to achieve their aspirations for their respective sites. More broadly, the Victorian Government is aware that it is only through self-determination that true progress can be made. This is why the Victorian Government has committed to actioning all elements of the *Uluru Statement from the Heart: Truth, Treaty, Voice*.

Victoria's treaty process will provide a framework for the transfer of decision-making power and resources to support self-determining Aboriginal communities to take control of matters that affect their lives. The Victorian Government commits to working proactively to support the aspirations of Traditional Owners and Aboriginal Victorians.

I sincerely thank all Aboriginal Elders, Stolen Generations members and families who are part of the titleholder and Traditional Owner communities for their invaluable contributions and for sharing their lived experiences and knowledge. These contributions have been instrumental in the development of the Review's recommendations and will benefit many generations to come.

A handwritten signature in blue ink that reads "Natalie Hutchins".

**The Hon. Natalie Hutchins MP**

Minister for Treaty and First Peoples  
Minister for Jobs and Industry  
Minister for Women

## Background

The Act was passed in 1991, facilitating the transfer of three cemeteries at the former missions at Coranderrk, Ebenezer and Ramahyuck to Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation (Wurundjeri), Goolum Goolum Aboriginal Cooperative (Goolum Goolum) and Gippsland and East Gippsland Aboriginal Co-operative (GEGAC), respectively.

Wurundjeri are the Traditional Owners of the land encompassing Coranderrk Mission. The Review also engaged Barengi Gadjin Land Council Aboriginal Corporation (BGLC) as the Traditional Owners Group Entity which represents the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples of the Wotjobaluk Nations (WJJWJ Peoples) who are the Traditional Owners of the land encompassing Ebenezer Mission. Further, the Review engaged Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) as the Traditional Owner Group Entity which represents the Gunaikurnai Peoples as the Traditional Owners of the land encompassing Ramahyuck Mission. The Traditional Owners and titleholders were considered the key stakeholders under this review.

The three cemeteries have deep cultural connection and significance for each community.

The provisions within the Act in relation to the transfer and use of land do not reflect current government policies, which seek to promote Aboriginal self-determination and empower First Peoples to freely exercise their cultural, land and property rights.

The Act places two specific limitations on the rights of titleholders. First, titleholders are prohibited from selling or transferring their respective interests in the land (**Transfer Restriction**). Secondly, the lands must be used for Aboriginal cultural and burial purposes (**Use Restriction**). These limitations run counter to the principles of Aboriginal self-determination in that they limit the opportunities of titleholders to freely use and deal with their land as they see fit.

The Use Restriction is set out in the Certificate of Title itself, as well as required by the Act (section 6(5)). By contrast, the other restriction relating to transfer of land (section 7) is only contained in the Act. It is not mentioned on the title.

# Minister's Response

The following table details the three recommendations from the review, and the Minister for Treaty and First Peoples' response to each recommendation.

## Terminology

- **Support in full** — Subject to minor or technical changes, all elements of the recommendation are supported by the Minister for Treaty and First Peoples.
- **Transfer Restrictions** — A condition of the Act that the titleholders of each the Coranderrk, Ebenezer and Ramahyuck Mission Cemeteries must not sell or transfer ownership of the land (section 7).
- **Use Restrictions** — A condition in each of the Crown grants made under the Act that the land at Coranderrk, Ebenezer and Ramahyuck Mission Cemeteries must be used for Aboriginal cultural and burial purposes, as required under the Act (section 6(5)).
- **Registrar of Titles** — The manager of Victoria's land title system.

Recommendation	Response
<p><b>Recommendation 1: Coranderrk Mission Cemetery</b></p> <p><b>1.1</b> It is recommended that all references in the Act to the Coranderrk Mission Cemetery remain unchanged.</p>	<p><b>Support in full.</b></p>
<p><b>Recommendation 2: Ebenezer Mission Cemetery</b></p> <p><b>2.1</b> It is recommended that the Act be amended to remove the Transfer Restriction and Use Restriction with respect to this title, enabling the titleholder to self-determine the future transfer and use of the Ebenezer Mission Cemetery.</p> <p><b>2.2</b> It is recommended that the Act be amended to allow the Registrar of Titles to amend the titles to remove the use restrictions, because the requirement relating to the use of the land for Aboriginal cultural and burial purposes is restricted on the title as well as under the Act.</p>	<p><b>Support in full.</b></p>
<p><b>Recommendation 3: Ramahyuck Mission Cemetery</b></p> <p><b>3.1</b> It is recommended that the Act be amended to remove the Transfer Restriction and Use Restriction with respect to this title, enabling the titleholder to self-determine the future transfer and use of the Ramahyuck Mission Cemetery.</p> <p><b>3.2</b> It is recommended that the Act be amended to allow the Registrar of Titles to amend the titles to remove the use restrictions, because the requirement relating to the use of the land for Aboriginal cultural and burial purposes is restricted on the title as well as under the Act.</p>	<p><b>Support in full.</b></p>





# Implementing the Review recommendations

I am committed to amending the Act and implementing the proposed legislative amendments. I am exploring opportunities to pass amending legislation to implement all the Review recommendations through the Parliament of Victoria.



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