

Aboriginal Lands Act 1970 overview

The *Aboriginal Lands Act 1970* (Vic) (the Act) is a Victorian law that was created in 1970.

The Act was created in response to the Framlingham and Lake Tyers Aboriginal communities' work to secure land rights.

Both Framlingham and Lake Tyers are former Victorian mission sites.

The Act was the first law in Victoria to recognise Aboriginal land rights.

How does the Act work?

The Act created a system for land ownership at Framlingham and Lake Tyers.

The Act also established the Framlingham Aboriginal Trust and the Lake Tyers Aboriginal Trust (Trusts).

What does the Act say?

The Act sets out rules for how the Trusts should operate, and how the land can be used.

This includes information on:

- the Committee of Management
- shares and the rights of shareholders
- requirements for meetings
- the roles and powers of the government and the Trust
- how Trust land can be used.

Ownership of land

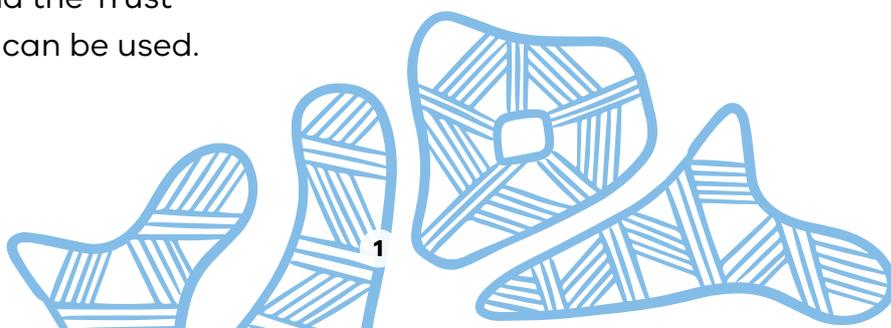
The Act granted freehold title to the Trusts, meaning each Trust became the legal owners of the land at Framlingham and Lake Tyers.

Shareholder system

Ownership was given through shares in each community's Trust. Shares were granted to people who lived at:

- Lake Tyers between 1 January 1968 and 30 September 1970
- Framlingham on 1 January 1968.

Each Trust owns the land on behalf of its shareholders. This means shareholders own the land together.



Review of the Act

Why was there a review of the Act?

Governments regularly review and update laws to ensure they are effective. Since its introduction in 1970, the Act had only undergone minor changes. A comprehensive review was conducted in 2018.

How did the review happen?

Two independent reviewers were appointed to carry out the review. They:

- consulted with Trust communities, including shareholders and residents
- gathered feedback on how the Act was working and the future of the Trusts
- published a final report in September 2021, which made 42 recommendations to improve the Act.

What happened next?

In 2023, the Victorian Government committed to implementing the recommendations in two phases.

Phase one

Phase one focused on updates to improve how the Act functions.

These changes were made through the Aboriginal Land Legislation Amendment Act 2024, which came into effect on 28 May 2025.

Key updates included:

- improving share transfers to make the process clearer
- strengthening governance rules to support better decision-making
- updating outdated language to reflect modern terminology.

Phase two and future work

The government will continue engaging with Trust communities to develop the next set of changes.

This phase will run for approximately 12 months, until March 2026.

There will be more opportunities for Trust communities to discuss how the Act can be improved in the future.



Definitions

The Act has some complex legal language. Keywords and phrases are explained below.

Alienable freehold title	<p>Land titles are official documents or arrangements that define who owns an area of land.</p> <p>Trust land is held in a freehold land title. Freehold title is the most complete form of land ownership and is not time limited. The word 'freehold' means that the Trust has control over the way the land is used. 'Alienable' means that the Trust can transfer ownership of the land to another person (if voted by all shareholders at a meeting).</p>
Authorised witness	<p>Someone who is authorised by law to witness statutory declarations. Common authorised witnesses include:</p> <ul style="list-style-type: none">• justice of the peace• police officer• doctor• pharmacist• nurse.
Certified copy	<p>A copy (often a photocopy) of an original document that has been verified as being a true copy of an original document. Documents that often need a certified copy include:</p> <ul style="list-style-type: none">• birth certificate• driver's licence• passport. <p>This is done by a person who is authorised to certify copies of original documents.</p> <p>For more information on certified copies and who is authorised to certify documents, you can visit the Department of Justice and Community Safety's website.</p>
Non-shareholding resident	<p>A person who lives on the Trust land but does not own shares. Non-shareholding residents can attend meetings of the Trust and be a member of the Committee of Management but are not allowed to vote in Trust meetings.</p>
Notice	<p>A written notification about a Trust meeting. The Trust must send this notice to all shareholders at least 14 days before the meeting and must include:</p> <ul style="list-style-type: none">• the time, date and location of the meeting• agenda items that will be discussed at the meeting• a list of all members who are listed in the share register on the date that the meeting is called.
Quorum	<p>The minimum number of shareholders required at a general meeting to make a decision. To achieve quorum at both a general meeting and annual general meeting, 50% of resident shareholders (from the day the meeting was called) need to attend the meeting.</p> <p>Quorum ensures that most shareholders are involved in the decisions made by the Trust.</p>

Remoter issue	A descendant who is more than one generation away from the person. This could be grandchildren or other descendants. The word 'issue' in this context means children, and 'remoter issue' refers to the direct lineal descendants of a person other than their children, such as grandchildren or great-grandchildren.
Resident	A person who has lived on Trust land for at least the last 3 months. If they have temporarily left, the Act requires a person to have a permanent home on Trust land and intend to return.
Resident shareholder	A person who lives on Trust land and owns shares in the Trust.
Member (also known as shareholder)	<p>A person who holds shares in the Trust, giving them certain rights and responsibilities. Original shareholders refer to:</p> <ul style="list-style-type: none"> • for Lake Tyers Aboriginal Trust, persons who were residents on the reserve between 1 January 1968 and 30 September 1970 with the approval of the Lake Tyers Aboriginal Council. • for Framlingham Aboriginal Trust, persons who were residents on the reserve on 1 January 1968. <p>Shareholders can vote in Trust meetings.</p>
Minister for Treaty and First Peoples (also known as Minister)	The Minister is responsible for administering the Act.
Share register (also known as register of members)	<p>The register of people that hold shares in the Trust, which shows the name, address and the number of shares held by each member of the Trust.</p> <p>Each Trust has its own share register.</p>
Special notice	<p>A written notice about a proposed resolution to be discussed at a Trust general meeting. A special notice will be sent to all shareholders (other than infants).</p> <p>It must be sent to all shareholders at least 14 days prior to the meeting and must include:</p> <ul style="list-style-type: none"> • the time, date and location of the meeting • agenda items that will be discussed at the meeting • a list of all members who are listed in the share register on the date that the meeting is called.
Statutory declaration	<p>A statutory declaration is a written statement you sign in front of an authorised witness.</p> <p>By signing, you confirm the information is true. If the information is false, you could face criminal charges.</p> <p>More information about statutory declarations can be found online on the Department of Justice and Community Safety's website.</p>
Unanimous resolution	<p>A decision made at a Trust's general meeting where all the shareholders who attended the meeting voted and agreed on the resolution.</p> <p>A special notice of the proposed resolution must be given first for a decision requiring a unanimous resolution.</p>

We acknowledge the Traditional Owners of Country throughout Victoria and pay our respect to them, their culture, and their Elders past and present.

This factsheet provides general information about the *Aboriginal Lands Act 1970* (Act) and has been developed for the Framlingham and Lake Tyers Aboriginal Trusts. This factsheet is part of a broader series of education materials. To find out more, see **Aboriginal Lands Act 1970 | firstpeoplesrelations.vic.gov.au**

This factsheet does not constitute legal advice, should not be relied upon, and is intended only to assist with a general understanding of the operation of the Act.

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