

Roles, rights and responsibilities

Under the Act, the government, Committee of Management and shareholders have different roles, responsibilities and rights.

Minister for Treaty and First Peoples (Minister)

Responsible for administering the Act.

Requirements under the Act

The Minister is required to:

- keep important records of the Trust (details of members of the Committee of Management, most recent financial reports, the Trust's strategic plan, and any unanimous resolution of the Trust)
- ensure that the operation of the Act is reviewed every 5 years
- table the review report before each House of the Parliament within 12 months of the end of each 5-year review period.

Powers and rights under the Act

The Minister has discretionary powers to:

- issue compliance notices
- put the Trust into administration
- grant or deny exemption or extension requests from the Trust
- approve the Trust's strategic plans.

The Minister also has the power to appoint an independent auditor to investigate a Trust's management and determine if there have been breaches of the Act or any laws, or if there are grounds to appoint an administrator.

If the Minister believes that the Trust is not complying with the Act, the Minister can appoint an Administrator to replace the Committee of Management for a certain time.

Department of Premier and Cabinet (DPC)

Responsible for supporting the Minister to administer the Act.

Requirements under the Act

On behalf of the Minister, DPC keeps records for each Trust, including:

- Committee of Management details, including:
 - name, job and address of Chairperson, Secretary and other members
 - office address of the Trust.
- most recent financial documents, including:
 - an audited balance-sheet
 - an audited profit and loss account
 - state of affairs report from the Committee of Management
 - auditor's report on the state of affairs report
- Strategic plan
- a copy of any unanimous resolution by the Trust.

These records must be available for inspection during normal business hours. Anyone can request to see them.

Powers and rights under the Act

DPC acts under direction of the Minister.

The DPC Secretary also has the discretionary power to approve rules of a board if a board has been appointed to act as Administrator of the Trust.

Trust Committee of Management

Elected body (by shareholders) and responsible for making decisions about the Trust and ensuring the Trust complies with the Act.

Requirements under the Act

The Committee of Management, on behalf of the Trust, is required to:

- maintain the share register
- inform shareholders in writing when the share register is updated within 28 days of changes being made
- provide the share register to shareholders for inspection within 14 days of receiving a written request
- hold 2 general meetings per year (1 AGM and 1 additional general meeting)
- present financial documents at the AGM
- ensure there is an auditor appointed
- provide documents as required to the Minister
- ensure accounts and records are kept up to date.

Powers and rights under the Act

The Trust can apply to the Minister for an exemption or extra time to meet certain legal requirements under the Act. This includes:

- holding an AGM or general meeting
- quorum requirements
- presenting documents at the AGM
- preparing or submitting a draft strategic plan
- providing the Minister with specific documents
- giving the Minister any required information.

Applications for an exemption must be in writing. The Minister has full discretion to grant or deny the request. If approved, the exemption or extended period can be up to 12 months only.

Shareholders

Shareholders own the 'shares' in the Trust.

Requirements under the Act

Shareholders are required to:

- submit an Instrument of Transfer form and the certified relevant documents to the Committee if wanting to update the share register.

Powers and rights under the Act

Shareholders have a right to:

- attend meetings at the Trust and vote on issues
- elect the Trust's Committee of Management
- inspect the share register. This should be made available within 14 days of the Trust receiving a written request
- be informed about any changes to the share register within 28 days of changes being made
- be informed about a general meeting or AGM at least 14 days prior to it occurring
- request and receive a certificate from the Trust that shows the number of shares that they hold.



Disputes and legal action

How can I raise a dispute?

You can raise an issue with the Trusts' Committee of Management, or with the Minister.

If still unhappy, you can seek independent legal advice and take legal action.

Taking legal action against the Trust

If a shareholder is unhappy with the Trust's actions, they can apply to the Supreme Court of Victoria.

The Court can:

- regulate the Trust's affairs
- order the purchase of shares.

Rights of an aggrieved person

An aggrieved person is someone who is negatively impacted by the Trust's actions or failures due to breaches of the Act. It does not have to be a shareholder.

An aggrieved person can also apply to the Court for relief.

The Court can:

- order remedies to address injustice
- order that actions be taken.

This allows shareholders and any impacted people to challenge the Trust's decisions in a legal way.

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 information on the roles, responsibilities and rights of the government, the Committee of Management and shareholders under the *Aboriginal Lands Act 1970* (Act). It 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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