

No. [8044.]

AN ACT

To provide for the Lands reserved for the use of the Aborigines at Framlingham and Lake Tyers to be vested in a Framlingham Aboriginal Trust and a Lake Tyers Aboriginal Trust respectively, to regulate the Affairs of the said Trusts, to amend the *Aboriginal Affairs Act 1967* and the *Land Tax Act 1958*, and for other purposes.

[8th December, 1970.]

WHEREAS —

- (a) the lands shown on the plan in the First Schedule (hereinafter called “the Framlingham reserve”), having previously been temporarily reserved as a site for the use of the aborigines, are now permanently reserved as a site for that purpose by virtue of an Order of the Governor in Council of the 24th day of January, 1967 ; and
- (b) the lands on the plan in the Second Schedule (hereinafter called : “the Lake Tyers reserve”), having previously been temporarily reserved as a site for the use of the aborigines, are now permanently reserved as a site for that purpose by virtue of an Order of the Governor in Council of the 18th day of May, 1965.

Preamble.

First Schedule.

Government
Gazette 1/2 1967,
p. 266.
Act No. 7921.
Second Schedule.

Government
Gazette
26/5/1965,
p. 1664.

And

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And whereas it is expedient to provide for the lands constituting the Framlingham reserve and the Lake Tyers reserve to be vested in bodies corporate consisting of the persons residing on the said lands, to regulate the affairs of the said bodies corporate, and to make other provision as hereinafter enacted.

Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short Title.

1. This Act may be cited as the *Aboriginal Lands Act 1970*.

Interpretation.

2. In this Act, unless inconsistent with the context or subject-matter—

“Aborigine” means a person who is descended from an aboriginal native of Australia.

“Financial year” means a period of twelve months ending on the 30th day of June.

“Framlingham reserve” means the lands shown on the plan in the First Schedule.

“Lake Tyers reserve” means the lands shown on the plan in the Second Schedule.

“Reserve” means the Framlingham, reserve or the Lake Tyers reserve.

“Special notice” of a resolution to be proposed at a general meeting of a Trust means notice in writing of the resolution which has been given to the same persons at the same time and in the same manner as is required in the case of notices of the general meeting.

“Trust” means a Trust incorporated under this Act.

“Unanimous resolution” of a Trust means a resolution of which special notice has been given which is agreed to at any general meeting of the Trust by every person who, being entitled to do so, attends the meeting and votes upon the resolution.

Vesting of Reserves in Trusts.

3. (1) As soon as may be after the commencement of this Act, the Minister shall cause to be prepared for each reserve a register showing the names of all aborigines resident on the reserve at the commencement of this Act who—

Registers of residents to be prepared.

(a) were resident on the reserve on the 1st day of January 1968 ;

(b) in

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(b) in the case of the Lake Tyers reserve—became resident on the reserve after the 1st day of January, 1968 but before the 1st day of October, 1970 with the approval of the Lake Tyers Aboriginal Council (whether granted before or after they became resident); or (c) are children born before the commencement of this Act whose mothers were persons of a class referred to in paragraph (a) or paragraph (b).

(2) For the purposes of sub-section (1), the Minister shall be entitled to treat any person as having been resident on a reserve on any day or at any time if the Minister is satisfied that the person was ordinarily resident on the reserve during a period of not less than three months including that day or time.

(3) Notwithstanding anything to the contrary in this section, the Minister may cause to be omitted from any such register the name of any person who is a member of a family in respect of which the Minister has made a grant for the purpose of enabling the purchase of a dwelling-house outside the reserve.

4. The Minister shall cause a copy of each such register certified by him to be a true copy thereof to be exhibited at the reserve concerned for a period of two months, together with a notice calling upon interested persons having objections to the register to notify their objections to the Minister in writing before a specified date, being not less than three months after the date on which the register and notice are first exhibited.

Register to be exhibited.

5. (1) After the register has been exhibited in accordance with section 4, the Minister shall consider any objections notified to him, and revise the register by making such alterations (if any) as he thinks fit.

Minister to consider objections and revise register.

(2) Any decision made by the Minister in revising the register or considering an objection shall be final and without appeal.

6. The Minister shall cause a copy of each register showing any alterations made upon any revision made under section 5 and certified by him to be a true copy of the register to be presented to the Governor in Council and published in the *Government Gazette*.

Publication of revised register.

7. The Governor in Council may, after receiving a certified copy of each register, by Order published in the *Government Gazette* fix a day (hereinafter called “the appointed day”) for the purposes of this Act.

Day to be fixed.

8. On the appointed day, without any further or other authority than this Act—

On appointed day, Trusts to be constituted and reservations of reserves revoked.

(a) the persons whose names appear on the register published in relation to the Framlingham reserve and who are still living shall together constitute a body corporate

to

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to be known as the Framlingham Aboriginal Trust, and the persons whose names appear on the register published in relation to the Lake Tyers reserve and who are still living shall together constitute a body corporate to be known as the Lake Tyers Aboriginal Trust ; and

(b) any reservation of the Framlingham reserve or the Lake Tyers reserve made under any Act relating to Crown lands shall be revoked.

Governor in
Council to make
Crown grants of
reserves to Trusts.

9. (1) Notwithstanding anything to the contrary in the *Land Act* 1958 but subject to this Act, the Governor in Council shall as soon as may be after the appointed day issue a Crown grant of the lands constituting the Framlingham reserve to the Framlingham Aboriginal Trust, and a Crown grant of lands constituting the Lake Tyers reserve to the Lake Tyers Aboriginal Trust.

(2) Any such grant may adjust the boundaries of a reserve as shown in the First or Second Schedule in any respect in order to overcome any defect found on survey.

(3) Any such grant may be made subject to such covenants conditions reservations exceptions and restrictions as the Governor in Council thinks fit.

(4) Without affecting the generality of sub-section (3), there may be excepted from any grant made under this section—

(a) in the case of the Framlingham reserve—any portion of the reserve which at the time of the grant lies within a distance of not more than two hundred links from the Hopkins River ; and

(b) in the case of the Lake Tyers reserve—any portion of the reserve which at the time of the grant lies within a distance of not more than two hundred links from the high water mark of Lake Tyers.

(5) Notwithstanding anything to the contrary in any Act but subject to this Act—

(a) the Framlingham Aboriginal Trust shall be entitled to be granted by the Governor in Council without fee a perpetual licence to occupy and use so much of the Framlingham reserve as is excepted pursuant to sub-section (4) from any grant made in respect of the reserve ; and

(b) the

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(b) the Lake Tyers Aboriginal Trust shall be entitled to be granted by the Governor in Council without fee a perpetual licence to occupy and use so much of the Lake Tyers reserve as is excepted pursuant to sub-section (4) from any grant made in respect of the reserve.

(6) A licence granted to a Trust under sub-section (5) may be revoked by the Governor in Council if he thinks fit, but only in accordance with the following provisions :—

- (a) The licence may be revoked as to the whole or any part of the land comprised therein at the request of the Trust.
- (b) The licence may be revoked as to the whole or any part of the land comprised therein if at any time the Trust holds an estate in fee simple in less than—
- (i) in the case of the Framlingham reserve—two hundred acres ; or
 - (ii) in the case of the Lake Tyers reserve—one thousand five hundred acres—
- of the land granted to the Trust under this section, and
- (c) The licence may be revoked as to any part of the land comprised therein if the Trust ceases to hold an estate in fee simple in the land abutting upon that part.

(7) No person other than the Trust, a member of the Trust or any person authorised by the Trust shall be entitled to enter upon any land in respect of which a licence granted under this section is in force.

Nature and Powers of Trusts.

10. A Trust shall have perpetual succession and a common seal, and shall by the name assigned to it by this Act be capable in law of suing and being sued, of purchasing taking holding selling leasing taking on lease exchanging and disposing of real and personal property, and of doing and suffering all such other things as corporations are by law capable of doing and suffering.

Nature of Trusts.

- 11.** (1) A Trust may be subject to this Act—
- (a) manage maintain improve and develop any land held by the Trust ;
 - (b) carry on any business on any land held by the Trust ;
 - (c) purchase take hold sell lease take on lease exchange or dispose of any real or personal property (other than securities falling outside paragraph (e)) ;

Powers of Trusts.

(d) borrow

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- (d) Borrow money on the security of a mortgage charge or other assurance of any real or personal property of the Trust ; or on overdraft of current account at any bank ;
- (e) invest money in any investments in which a trustee is authorised to invest money by section 4 of the *Trustee Act* 1958 ;
- (f) have bank accounts at any bank ;
- (g) appoint and employ officers and employéés ;
- (h) distribute amongst its members in the form of dividends any moneys of the Trust available for distribution in accordance with this Act ; and
- (i) do all such other things as are properly incidental to the exercise of any powers conferred on the Trust by this or any other section of this Act.

(2) The provisions of sub-sections (1) and (2) of section 35 of the *Companies Act* 1961 shall apply to and in relation to a Trust and contracts entered into by it as if it were a company incorporated under that Act.

(3) A Trust shall not sell, give in exchange or otherwise dispose of any land to any person, except in accordance with a unanimous resolution of the Trust, but no person dealing with the Trust in good faith shall be concerned to inquire as to whether this section has been complied with.

(4) A Trust shall not let any land for a period of more than twenty-one years.

(5) A Trust shall not under this section make a loan to any person who is a member of a Trust, or of its committee of management.

Members' Shares in Trusts.

Provisions
concerning share in
Trusts.

12. (1) The undertaking of a Trust shall be divided into shares.

(2) On the appointed day, each of the first members of a Trust not being an infant shall be entitled to one thousand shares, and each of the first members of a Trust being an infant shall be entitled to five hundred shares, and the total number of shares in each Trust shall be determined accordingly.

(3) A share in a Trust shall be personal property, and shall be transferable in accordance with this Act.

(4) A general meeting of a Trust may at any time resolve that the total number of shares in the Trust be amended to a specified number and the number of shares held by each member be correspondingly amended so as to represent the same proportion of the total number of shares as he held before the amendment.

(5) A resolution

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(5) A resolution made under sub-section (4) shall take effect on its being passed, and the Trust shall immediately amend the register of members accordingly.

(6) A Trust shall immediately after its incorporation establish a register of members, showing the name and address of, and the extent of the shares held by, each member of the Trust.

(7) Only those persons whose names appear from time to time in the register of members as the owners of any shares shall be members of a Trust.

(8) The Trust may, at the request of any member, issue to him a certificate under seal showing the number of shares held by him at the date of issue of the certificate, and any such certificate shall be *prima facie* evidence of title at the date of its issue.

(9) No member of a Trust shall, by virtue of holding a share in the Trust, have any personal liability whatsoever (whether to the Trust or any other person) in respect of any debts or liabilities of or claims made upon the Trust or any amount by which at any time the assets of the Trust fall short of its liabilities or otherwise.

13. (1) Subject to the provisions of this section, the transfer of shares in a Trust shall be effected only by alteration of the register of members on production by the transferee of a proper instrument of transfer.

Entries in register of members.

(2) The personal representative of a deceased member of a Trust may, on making application in writing and producing evidence of his appointment satisfactory to the Trust, have his name entered in the register of members as the owner of the shares of the deceased member.

(3) Except as required by law, no person shall be recognized by a Trust as holding any share upon any trust, and the Trust shall not be bound by or compelled to recognize (even when having notice thereof) any equitable contingent future or partial interest in any share or any other rights in respect of any share, except an absolute right as to the entirety thereof in the person registered as the owner thereof.

(4) Where a share is owned by a person known by the Trust to be an infant or under any other disability, the Trust shall mark the register accordingly.

14. (1) A member of a Trust shall not sell or transfer any shares to any person otherwise than in accordance with this section, and no transfer in contravention of this section shall be registered.

Restriction on transfer of shares.

(2) A member of a Trust may transfer his shares or any of them as follows :—

(a) to the Trust ;

(b) to

- (b) to another member ;
- (c) to the Crown in right of the Commonwealth or the State ; or
- (d) to a person whom the Trust believes to be—
- (i) the husband or wife, or a child or remoter issue, brother, sister or parent of the member ;
 - (ii) a brother or sister of a parent of the member ; or
 - (iii) a child or remoter issue of a parent of the member, or of a brother or sister of a parent of the member :

Provided that for the purposes of this paragraph, any natural blood relationship shall be treated as being legitimate.

(3) Nothing in this section shall be construed as preventing a transfer of shares—

- (a) by the personal representative of a deceased member to the persons entitled thereto under the will or on the intestacy of the deceased member ; or
- (b) by the Crown to the member from whom the shares were acquired or his personal representative.

(4) A member of a Trust may make to the Trust an offer in writing to sell any shares owned by him to the Trust or any person to be nominated by the Trust (being a person to whom shares may be transferred in accordance with this section) at a price fixed as required by this Act by the auditor appointed under this Act.

(5) Any such offer shall remain open for acceptance by the Trust or a person nominated by it as aforesaid for a period of three months after it is made, and then lapse.

(6) Upon the lapsing of any such offer, the member shall be entitled to transfer the shares or any of them to any person at a price being not less than the price fixed for them by the auditor.

(7) Where any shares in a Trust are acquired by the Trust—

- (a) the shares shall be deemed to have been acquired on behalf of the remaining members rateably according to the number of shares owned by them ;
- (b) The shares shall be deemed to be held in Trust for the remaining members until the end of the financial year in which they were acquired, when the total number of shares shall be reduced by the number so acquired ;

(c) the

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- (c) The Trust shall not be entitled to exercise any voting rights at any general meeting of the Trust in respect of the shares ; and
- (d) any dividends paid in respect of shares after they are acquired shall be deemed to be income of the Trust.

Committee of Management.

15. (1) Seven persons shall be elected at the first general meeting of a Trust to form a committee of management of the Trust, and of these— Committee of Management.

- (a) two shall be elected to hold office until the second annual general meeting ;
- (b) two shall be elected to hold office until the third annual general meeting ; and
- (c) three shall be elected to hold office until the fourth annual general meeting.

(2) The members of a Trust shall from time to time in general meeting as may be required elect a person to fill any vacancy in the committee of management.

(3) Any person elected to fill a vacancy arising by expiration of the term of office for which a member was elected shall hold office until the third annual general meeting following his election, and any person elected to fill a vacancy otherwise arising shall hold office for the balance of the term of office of the member he replaces.

(4) It shall not be necessary for a member of a committee of management of a Trust to be a member of the Trust.

(5) No person shall be disqualified from being elected as a member of a committee of management of a Trust by reason of the fact that he is an officer or employé of the Trust or is interested in a contract made by the Trust, but a member of a committee of management shall not vote or take part in any discussion on any matter affecting any contract in which he may be interested (other than a contract of service).

(6) The office of a member of a committee of management of a Trust shall become vacant if he—

- (a) becomes of unsound mind or otherwise incapable of acting ;
- (b) becomes bankrupt ;
- (c) resigns his office by writing under his hand addressed to the Chairman of the Trust ; or
- (d) is removed from office by a resolution of which special notice is given passed at a general meeting of the Trust.

(7) A member

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(7) A member of a committee of management shall be eligible for re-election.

(8) The members of a committee of management of a Trust shall be entitled to receive such fees and travelling expenses (if any) as are from time to time fixed by resolution of the Trust passed in general meeting.

(9) A committee of management shall at its first meeting—

(a) elect one of its members to be Chairman of the Trust, and determine the period for which he is to hold office ;

(b) appoint a Secretary of the Trust ; and

(c) appoint some place to be the office of the Trust—

and thereafter make such elections determinations and appointments as often as may be required.

(10) A committee of management shall meet at least six times in each year.

(11) Three members of a committee of management shall constitute a quorum at any meeting.

(12) During a vacancy in the office of any member of a committee of management, the continuing members may (if there is a quorum) act as if the vacancy had not occurred.

(13) Subject to this Act, a question arising at any meeting of a committee of management shall be decided by a majority of votes of those present at the meeting, but where there is no majority, the Chairman of the Trust or, if he is not present, the person chosen to preside at the meeting in his absence, shall have a second or casting vote.

Committee to act on behalf of Trust.

16. (1) The powers and functions of a Trust may be exercised on its behalf by its committee of management and not otherwise, but a committee of management shall comply with the terms and conditions of any resolution relating to the powers and functions of the Trust passed at a general meeting of the Trust.

(2) All acts done in good faith by a committee of management shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or continuance in office of any member be as valid as if the member had been duly appointed or had duly continued in office.

(3) Notwithstanding anything to the contrary in sub-section (1), a Trust shall be bound by every act of its committee of management, and no person dealing with the Trust shall be concerned to inquire in relation to any such act whether the committee is authorized to act as it does.

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17. The seal of the Trust shall be kept by the Secretary and shall be affixed to a document only by resolution of the committee of management, and when affixed shall be authenticated by the signatures of two members of the committee of management and the Secretary. Seal.

Financial.

18. (1) A Trust shall cause to be kept proper books of account giving a true and complete account of the affairs and transactions of the Trust. Accounts.

(2) A Trust shall cause a balance-sheet as at the end of each financial year, and a profit and loss account in respect of such year, to be prepared and, after being audited by the auditor, laid before the first annual general meeting of the Trust held after the end of that financial year :

Provided that for the purposes of the balance-sheet and profit and loss account to be laid before the first annual general meeting of a Trust, a period which elapses between the incorporation of the Trust, and the beginning of the first full financial year during which the Trust is in existence shall be deemed to form part of that financial year.

(3) Every balance-sheet of a Trust shall, when read in conjunction with the statement required to be made by sub-paragraph (ii) of paragraph (b) of sub-section (4) give a true and fair view of the state of affairs of the Trust as at the end of the financial year, and every profit and loss account shall give a true and fair view of the profit or loss of the Trust for the financial year.

(4) A Trust shall cause to be annexed to every balance-sheet and profit and loss account laid before an annual general meeting of the Trust—

(a) the report of the auditor thereon ; and

(b) a report by the committee of management concerning the state of the affairs of the Trust containing, in particular—

(i) a statement of the amount (if any) which the committee has determined is available for distribution in the form of dividends ; and

(ii) with respect to the assets of the Trust, a statement setting out their estimated current market value and the liabilities charged on or relating particularly to those assets.

(5) A Trust shall, at least fourteen days before each annual general meeting, send a copy of the balance-sheet, profit and loss account, report of the auditor and report of the committee of management to be laid before the Trust at the meeting to all persons entitled to receive notice of general meetings of the Trust.

19. (1) A Trust

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19. (1) A Trust shall—

- (a) at its first general meeting appoint a person being a registered company auditor to be its auditor ; and
- (b) at any annual general meeting, if there is a vacancy in the office of auditor, appoint a person being a registered company auditor to fill the vacancy.

(2) A person shall not act as auditor of a Trust if he is an officer or employé of the Trust.

(3) An auditor of a Trust shall hold office until he—

- (a) dies ;
- (b) resigns his office by writing under his hand addressed to the Chairman of the Trust ;
- (c) ceases to be a registered company auditor ; or
- (d) is removed from office by a resolution of which special notice is given passed at a general meeting of the Trust.

(4) Within three months after a vacancy occurs in the office of auditor, the committee of management shall (unless a person has been appointed at an annual general meeting to fill the vacancy) appoint a person to fill the vacancy.

(5) The Trust shall pay any reasonable fees and expenses of the auditor.

(6) The auditor shall report in writing to the members on the accounts examined by him and on any balance-sheet and profit and loss account laid before an annual general meeting of the Trust during his term of office, and his report shall state in particular—

- (a) whether, in his opinion, the books of account and register of members required to be kept by the Trust have been properly kept ;
- (b) whether, in his opinion, the balance-sheet, profit and loss account and the report of the committee of management annexed to them give a true and fair view of the state of affairs of the Trust at the end of the financial year and of its activities during the financial year ; and
- (c) whether he has obtained all the information and explanations that he has required.

(7) The auditor shall be entitled to access to the records of the Trust at all times, and to require from officers and employés of the Trust such information concerning and explanation of any matter as he thinks fit.

(8) The

(8) The auditor shall be entitled to receive all such notices relating to any general meeting of the Trust as members are entitled to receive, and to attend any such general meeting and be heard at it on any part of the business of the meeting which concerns him in his capacity as auditor.

20. (1) Whenever by any provision of this Act the value of any shares in a Trust is required to be fixed by the auditor, he shall fix the value of the shares in relation to the equity value of the Trust at the date of the last published balance-sheet (as disclosed by the balance-sheet and the statement concerning the estimated current value of the assets in the annexed report of the committee of management), with such adjustments thereto (if any) as in his opinion are necessary to arrive at a fair and reasonable equity value for the shares at the date of the valuation having regard to—

Valuation of shares.

(a) any material change in the current market value of the assets since the date of the last published balance-sheet ;

(b) any dividends paid or to be paid to members since the said date ;

(c) the estimated profit or loss of the Trust for the current financial year ; and

(d) any other matter which in his opinion materially affects the equity value of the Trust.

(2) In this section “equity value” in relation to a Trust, means the sum remaining after deducting from the total value of all assets of the Trust the amount of all liabilities claims and debts to which the Trust is subject or which it owes.

21. (1) The Trust shall not distribute any moneys amongst its members in the form of dividends, except from profits (including accumulated profits and realized capital profits), and in accordance with an express resolution of a general meeting of the Trust.

Dividends.

(2) Any amount distributed in any financial year shall not exceed the amount determined by the committee of management to be available for that purpose in that year, after adequate provision is made for the payment or setting aside of other moneys to be paid or set aside from the income of the Trust.

(3) Any amount authorized to be distributed as dividends by resolution of a general meeting shall be deemed to be appropriated for the purpose, and held in trust for the persons entitled to receive dividends in their respective shares.

General

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General Meetings.

22. (1) The Minister shall call the first general meeting of a Trust for a date being not more than three months after the appointed day.

(2) Subject to sub-section (1), every general meeting of a Trust shall be called by the Secretary.

(3) The Secretary of a Trust shall call a general meeting of the Trust if called upon to do so by a requisition in writing under the hands of not less than one-quarter of those members of the Trust who are not infants.

(4) General meetings of a Trust shall be called by giving at least fourteen days' notice of the meeting in writing to every member of the Trust (not being an infant) who has a place of address shown against his name in the register of members.

(5) Any such notice may be sent by post to a member at the place of address shown against his name in the register of members.

(6) The accidental failure to send or failure to receive any such notice shall not invalidate anything done at any general meeting.

(7) A Trust may hold a general meeting at any time.

(8) A Trust shall hold an annual general meeting within six months after the end of each financial year, but a Trust shall not be obliged to hold its first annual general meeting until the Trust has been in existence for a full financial year.

23. (1) Subject to sub-section (5), a member may attend and vote at a general meeting in person only.

(2) Unless on any question submitted at a general meeting to a vote a poll is demanded by not less than five persons present, or by any person or persons entitled to exercise not less than one-tenth of the total votes of those present, every member present shall be entitled to one vote only, and a resolution shall be carried if a majority of the votes is in favour thereof.

(3) If a poll is demanded in accordance with sub-section (2), the number of votes to which each member is entitled shall be determined by the number of shares he owns.

(4) The quorum for a general meeting shall be one-half of the persons entitled to vote at the meeting.

(5) Notwithstanding anything to the contrary in this Act—

(a) an infant member shall not be entitled to vote at any general meeting ;

(b) Where any member is by any rule of law disabled from dealing with his property, any vote ordinarily exercisable by the member at a general meeting

shall

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Procedure at
general meetings.

shall not be exercised by him, but any person who is for the time being authorized by law to control the property of the person so disabled may attend and exercise the vote in his place ; and

(c) where the Crown or a corporation is entitled to exercise any vote at a general meeting, any person authorized to represent the Crown or the corporation at the meeting may attend and vote on behalf of the Crown or the corporation.

Miscellaneous.

24. (1) The Minister shall keep in his office in respect of each Trust, the following documents :—

Minister to keep records.

(a) A record of—

(i) the names occupations and addresses of the persons who are for the time being the Chairman of the Trust and the other members of the Committee of Management, and the Secretary of the Trust ; and

(ii) the address of the office of the Trust ; and

(b) Copies of the last published balance-sheet and profit and loss account of the Trust, and the reports of the committee of management and the auditor annexed to them.

(2) A Trust shall supply to the Minister the particulars referred to in paragraph (a) of sub-section (1) within fourteen days of the first meeting of the committee of management and details of any change in the particulars referred to in the said paragraph within fourteen days of the occurrence of the change.

(3) A Trust shall deliver to the Minister copies of the documents referred to in paragraph (b) of sub-section (1) within fourteen days of any annual general meeting.

(4) The documents which the Minister is required by sub-section (1) to keep in his office shall be made available for inspection on request by any person during the ordinary hours of business.

(5) Any document (including any summons notice order or other legal process) may be served on a Trust by leaving it at the place which is for the time being shown in the record referred to in sub-section (1) as the office of the Trust, or by sending it by registered post addressed to the Trust at that place.

25. (1) A Trust which contravenes this Act in any manner referred to in sub-section (2), and every officer of the Trust who knowingly authorizes or permits the contravention, shall be guilty

of Offences.

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of an offence and liable to a penalty of \$20 and, in the case of a continuing offence, to a further penalty of \$5 for every day during which the offence continues after conviction.

(2) The contraventions to which sub-section (1) applies are as follows :—

- (a) Failing to keep proper books of account ;
- (b) Failing to keep a register of members ;
- (c) Failing to hold an annual general meeting in any year ;
- (d) Failing to cause to be laid before any annual general meeting the balance-sheet profit and loss account and reports required to be laid before the meeting by section 18 ;
- (e) Failing to appoint at any annual general meeting an auditor to fill any vacancy which exists at the time of the annual general meeting ;
- (f) Failing to supply or deliver to the Minister any particulars or documents required to be supplied or delivered to him by section 24 ; and
- (g) Making any payment from the funds of the Trust which is not authorized by this Act.

(3) In this section “officer” of a Trust includes a member of the committee of management and the Secretary.

(4) Notwithstanding anything to the contrary in any Act, an information for an offence against this Act may be laid at any time within three years after the date on which the offence was committed.

Minister may make grants and loans to Trusts.

26. The Minister may from time to time out of any moneys legally available for the purpose make such grants and loans to a Trust as he thinks fit.

Court may grant relief to persons aggrieved in certain circumstances.

27. (1) A member of a Trust who complains that the affairs of the Trust are being conducted in a manner oppressive to one or more of the members (including himself) may apply to the Supreme Court or a Judge thereof for an order under this section and, if the Court or Judge is of opinion that the affairs of the Trust are being so conducted and that it would be just and equitable to make an order under this section, the Court or Judge may make such order as the Court or Judge thinks fit whether for regulating the affairs of the Trust in future or for the purchase of the shares of any members by other members or by the Trust, or otherwise.

(2) Any person (whether a member of a Trust or not) who is aggrieved by anything which the Trust has done or failed to do in contravention of this Act may apply to this Supreme Court or a Judge thereof for an order under this section and, if the Court or

Judge

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Judge is of the opinion that the Trust has contravened this Act and that the person aggrieved has suffered injustice on that account, the Court or Judge may make such order as appears to the Court or Judge to be necessary to give proper relief to the person aggrieved.

Amendment of the Aboriginal Affairs Act 1967 and the Land Tax Act 1958.

- 28.** The *Aboriginal Affairs Act 1967* is hereby amended as follows :—
- (a) In section 2 the interpretation of “Aboriginal reserve” shall be repealed ;
- (b) In sub-section (1) of section 26—
- (i) paragraph (c) shall be repealed ;
- (ii) paragraph (e) the words “and the management of any Crown land which not being an aboriginal reserve is presently set aside for the use or benefit of aboriginal peoples” shall be repealed ;
- (iii) In paragraph (g) the words “and including any land forming part of an aboriginal reserve” shall be repealed ; and
- (iv) In paragraph (i) the words “or on aboriginal reserves” shall be repealed ; and
- (c) In section 42—
- (i) in paragraph (c) the words “aboriginal reserves and other” shall be repealed; and
- (ii) in paragraph (d) for the words “on aboriginal reserves” there shall substituted the words “conducted by the Minister”.
- 29.** After sub-paragraph (x) of paragraph (b) of sub-section (3) of section 9 of the *Land Tax Act 1958* there shall be inserted the following sub-paragraph :—
- “(xi) The Framlingham Aboriginal Trust or the Lake Tyers Aboriginal Trust.”
- Amendment of No. 7574.
S. 2.
S. 26.
S. 42.
Amendment of No. 6289 s. 9.

SCHEDULES.

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SCHEDULES.

**FIRST SCHEDULE.
FRAMLINGHAM RESERVE.**

[MAP]

**PARISH OF PURNIM
COUNTY OF VILLIERS**

SCHEDULES

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SCHEDULES—*continued.*
SECOND SCHEDULE.
LAKE TYERS RESERVE.

[MAP]

PARISH OF COLQUHOUN EAST
COUNTY OF TAMBO

I HEREBY CERTIFY that the above fair print of the Bill intituled “An Act to provide for the Lands reserved for the Use of the Aborigines at Framlingham and Lake Tyers to be vested in a Framlingham Aboriginal Trust and a Lake Tyers Aboriginal Trust respectively, to regulate the Affairs of the said Trusts, to amend the *Aboriginal Affairs Act* 1967 and the *Land Tax Act* 1958, and for other purposes” is the Bill to which the Legislative Council and the Legislative Assembly of the State of Victoria have agreed.

[A R B McDonnell]
Clerk of the Parliaments.

In the name and on behalf
of Her Majesty I assent to this
Act.

[Rohan Delacombe.]
Governor.

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