

**Authorised Version No. 004**  
**Aboriginal Lands Act 1991**

**No. 38 of 1991**

Authorised Version incorporating amendments as at  
14 June 2012

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**Preamble:**

The land shown hatched on the plan in Schedule 2 is temporarily reserved as a site for public purposes (Protection of Aborigines' Graves) under the **Crown Land (Reserves) Act 1978** and the land shown cross-hatched on that plan is an access road.

The land shown hatched on the plan in Schedule 3 is permanently reserved for the conservation of area of historic interest under the **Crown Land (Reserves) Act 1978**.

The land shown hatched on the plan in Schedule 4 is temporarily reserved for the purpose of the use of the Aborigines under the **Crown Land (Reserves) Act 1978** and the land shown cross-hatched on that plan is an access road.

In the interests of the Aboriginal people of Victoria it is desirable to authorise the granting by the Crown of the land shown hatched and cross-hatched on the plan in Schedule 2 to the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Incorporated, the land shown hatched on the plan in Schedule 3 to the Goolum Goolum Aboriginal Co-operative Limited and the land shown hatched and cross hatched on the plan in Schedule 4 to the Gippsland & East Gippsland Aboriginal Co-operative Limited.

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**The Parliament of Victoria therefore enacts as follows:**

**1 Purpose**

The purposes of this Act are to—

- (a) revoke the reservations of certain lands;
- (b) authorise the granting of that land for Aboriginal cultural and burial purposes;
- (c) provide for related matters.

**2 Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

**3 Revocation of existing reservations and Crown Grants**

- (1) On receiving survey plans signed by the Surveyor-General of those parts of the lands described in Schedule 1 as are shown hatched on the plan in Schedule 3 and hatched and cross hatched on the plans in Schedules 2 and 4 or those lands as nearly as practicable the Minister may recommend to the Governor in Council that an Order be made revoking the reservations of the lands shown in the plans of survey.
- (2) On the Minister's recommendation under subsection (1) the Governor in Council by Order published in the Government Gazette may revoke the reservations of the land described in Schedule 1 to the extent that they apply to the land in the plans of survey.
- (3) On the publication in the Government Gazette of an Order under subsection (2)—
  - (a) the reservations of the land referred to in Schedule 1 are revoked to the extent that they apply to the lands in the plans of survey; and

- (b) despite any Act or law to the contrary, the land is deemed to be unalienated land of the Crown freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.

#### 4 Closure of roads

- (1) The Minister may recommend to the Governor in Council that an Order be made in accordance with subsection (4).
- (2) If a person holds a fee simple in land abutting the land shown cross-hatched in the plan in Schedule 4, the Minister administering the **Crown Land (Reserves) Act 1978** must grant to that person a reasonable right of access to his or her land which will in the Minister's opinion allow that person to use his or her land.
- (3) A right of access mentioned in this section may be granted and exercised despite anything to the contrary in any Act or law or in any Crown Grant of the land issued on or after the commencement of this Act.
- (4) On the recommendation of the Minister, the Governor in Council, by Order published in the Government Gazette, may declare that the roads shown cross-hatched on the Plans in Schedules 2 and 4 are closed.
- (5) Subject to subsections (2) and (3) on the publication in the Government Gazette of an Order under subsection (4)—
  - (a) all rights, easements and privileges existing in or claimed by either the public or any body or person as part of any express or implied grant or past dedication or supposed dedication or by user or by operation or any fiction of law shall cease; and

- (b) the land is deemed to be unalienated Crown land.

## **5 Any existing rights extinguished**

Subject to section 4 on the publication in the Government Gazette of an Order under section 3 or section 4—

- (a) any appointment of any Committee of Management to the extent that it relates to the land to which that Order applies is revoked; and
- (b) any licences, leases, rights or permits granted over land to which that Order applies are extinguished; and
- (c) the land to which that Order applies is divested from any trustees in which it was previously vested immediately before the publication of the Order.

## **6 Grants to particular organisations**

- (1) The Governor in Council on behalf of the Crown may grant the land shown hatched and cross-hatched on the plan in Schedule 2 to the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Incorporated for an estate in fee simple.
- (2) The Governor in Council on behalf of the Crown may grant the land shown hatched on the plan in Schedule 3 to the Goolum Goolum Aboriginal Co-operative Limited for an estate in fee simple.
- (3) The Governor in Council on behalf of the Crown may grant the land shown hatched and cross hatched on the plan in Schedule 4 to the Gippsland and East Gippsland Aboriginal Co-operative Limited for an estate in fee simple.

- (4) Grants made under this section are subject to any terms, conditions, covenants, exceptions, reservations and limitations (not inconsistent with the conditions required by this section to be included in the grant) that the Governor in Council determines.
- (5) Each grant under this section must include the condition that the land must be used for Aboriginal cultural and burial purposes.

#### **7 Sale not permitted**

An organisation to which land has been granted under section 6 or its successor-in-law must not sell or otherwise dispose of its interest in fee simple in the land.

#### **8 Registrar of Titles to make necessary amendments**

- (1) The Registrar of Titles must make any amendments in the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of this Act.

\* \* \* \* \*

S. 8(2)(3)  
repealed by  
No. 85/1998  
s. 24(Sch.  
item 1).

#### **9 No compensation payable by Crown**

No compensation is payable by the Crown in respect of anything done under or arising out of this Act.

## SCHEDULES

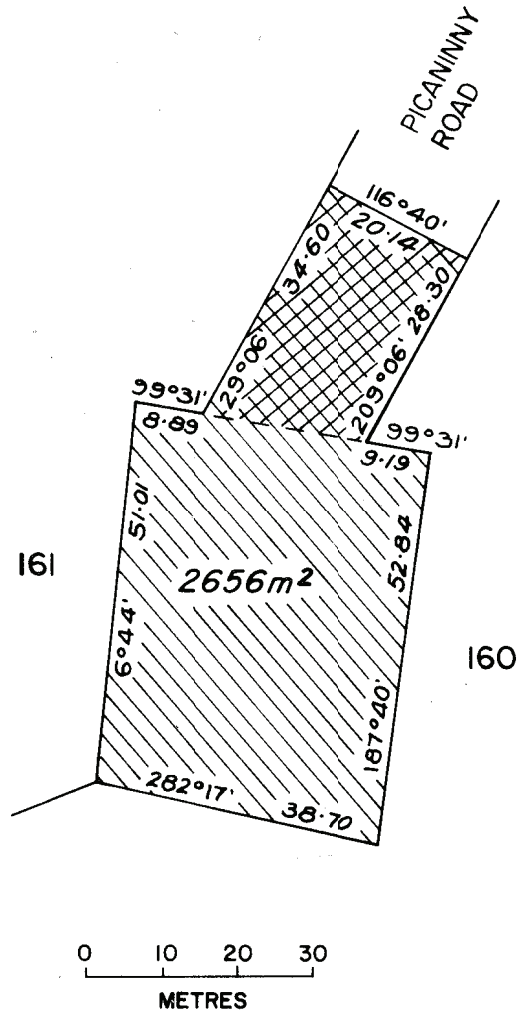
### SCHEDULE 1

#### LAND IN RESPECT OF WHICH RESERVATIONS AND CROWN GRANTS ARE REVOKED

Item No.	Situation and area of land	Instrument and date of reservation	Description of land by reference to Government Gazette	Particulars of Registration of Crown Grant	Purpose of reservation	Portion as to which reservations and Crown Grant are revoked
1.	Parish of Graedale, County of Evelyn, 2023 square metres	Order in Council 27 November 1962	5 December 1962 page 3963	No Crown Grant	Site for Public Purposes (Protection of Aborigines Graves)	Entire reserve
2.	Parish of Katyl, County of Borung, 3869 square metres, being Crown allotment 16, section A	Order in Council 8 July 1980	16 July 1980 page 2450	No Crown Grant	Conservation of area of historic interest	Entire reserve
3.	Parish of Yeerung (at Lake Wellington, Gippsland), County of Tanjil, 953.4 hectares more or less	Order in Council 1 June 1863	9 June 1863 page 1273	No Crown Grant	For the use of the Aborigines	See plan in Schedule 4
4.	Parish of Yeerung, County of Tanjil, 930.8 hectares more or less (less authorised excision)	Order in Council 13 May 1872	17 May 1872 page 977	No Crown Grant	Site for use of Aborigines	See plan in Schedule 4

SCHEDULE 2

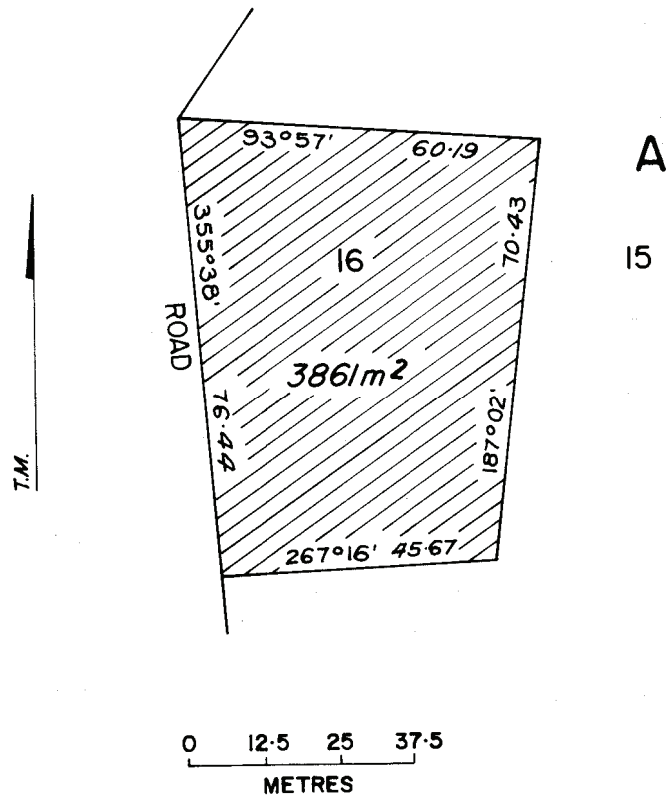
PLAN OF CORANDERRK MISSION CEMETERY AND  
ACCESS ROAD



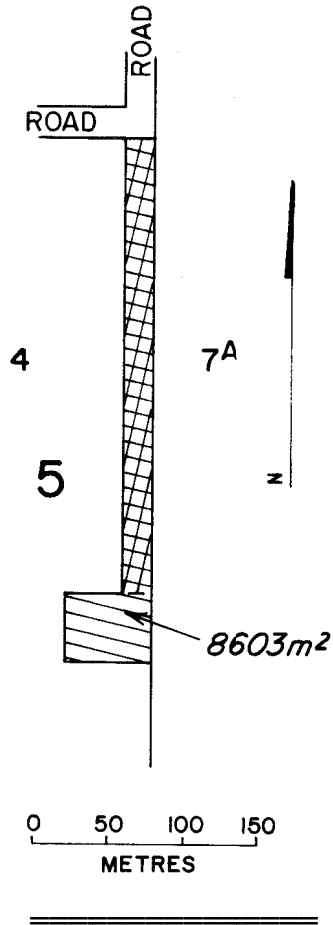


SCHEDULE 3

PLAN OF EBENEZER MISSION CEMETERY



**SCHEDULE 4**  
**PLAN OF RAMAHYUCK MISSION CEMETERY AND**  
**ACCESS ROAD**



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## ENDNOTES

### 1. General Information

*Minister's second reading speech—*

*Legislative Assembly: 8 May 1991*

*Legislative Council: 5 June 1991*

The long title for the Bill for this Act was "A Bill to revoke the reservations and Crown Grants of certain lands and to authorise the grant of those lands to particular Aboriginal Organisations and for other purposes."

The **Aboriginal Lands Act 1991** was assented to on 18 June 1991 and came into operation on 18 June 1991: section 2.

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## 2. Table of Amendments

This Version incorporates amendments made to the **Aboriginal Lands Act 1991** by Acts and subordinate instruments.

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### **Transfer of Land (Single Register) Act 1998, No. 85/1998**

<i>Assent Date:</i>	17.11.98
<i>Commencement Date:</i>	S. 24(Sch. item 1) on 1.1.99: s. 2(3)
<i>Current State:</i>	This information relates only to the provisions amending the <b>Aboriginal Lands Act 1991</b>

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**3. Explanatory Details**

No entries at date of publication.