



Understanding the *Aboriginal Lands Act 1970*



Acknowledgement of Country

The Victorian Government acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of Country.

We respectfully acknowledge all First Peoples of Victoria and celebrate their enduring connection to land, skies and waters. We thank First People for their care of Country and contributions to Victorian communities. We honour and pay our respects to First Peoples' Elders past and present.

How to use this document

This booklet has been developed for the Framlingham and Lake Tyers Aboriginal Trusts (Trusts) to provide information in plain language about the *Aboriginal Lands Act 1970* (Act).

The booklet does not constitute legal advice, should not be relied upon, and are intended only to assist with a general understanding of the operation of the Act. The booklet does not capture all the requirements under the Act, so should not be considered an exhaustive or comprehensive guide to how the Trusts must be administered. Independent legal advice should be obtained if anyone proposes to take action under or otherwise rely on the Act.

About the artwork and design

Original artwork and design by Nadia Rose (*Gunditjmara*) from Namaro Creative.

"This artwork titled 'Protection' has different areas representing the families of the Trust working together, the country of the Trusts (the waterways and other landscape), and the connections we hold to our land and our people. The shield in the centre represents the protection of the people and country where the trusts are located."

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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 the 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 is continuing to engage the Trust communities on the next set of changes to the Act.

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 language. Keywords and phrases are explained below.

Alienable freehold title

Land titles are official documents or arrangements that define who owns an area of land.

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).

Authorised witness

Someone who is authorised by law to witness statutory declarations.

Common authorised witnesses include:

- justice of the peace
 - police officer
 - doctor
 - pharmacist
 - nurse.
-

Certified copy

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:

- birth certificate
- driver's licence
- passport.

This is done by a person who is authorised to certify copies of original documents.

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.

Non-shareholding resident

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.

Notice

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:

- 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

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.

Quorum ensures that most shareholders are involved in the decisions made by the Trust.

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>



Shareholder system



Under the Act, each Trust owns the land on behalf of the shareholders.

What does it mean to be a shareholder?

A shareholder owns 'shares' in the Trust. A person becomes a shareholder by receiving or purchasing shares.

What rights do shareholders have?

Being a shareholder gives you certain rights, including:

- voting on decisions about Trust land
- electing the Trust's Committee of Management
- attending Trust meetings
- receiving dividends (a share of any profits the Trust makes)
- inspecting the share register and being informed of changes
- requesting a certificate showing how many shares they hold.

Shares are considered personal property and can be transferred under certain conditions.

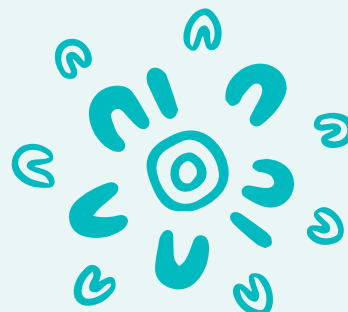
These conditions are outlined in the 'What you can do with your shares' section.

How to check if you or your family have shares

Each Trust keeps a share register, which records all shareholders details and their shares.

If you are a shareholder, you can request to inspect the register. This request must be in writing, and the Trust must provide access to you within 14 days.

If you are unsure whether you or your family hold shares, you can contact the Trust directly to ask.



What can you do with your shares?

You can transfer or sell your shares, but there are some conditions on how to do this and who can receive your shares.

You can transfer or sell shares to:

- immediate family members (partner, brother/sister, children, grandchildren, aunts/uncles, cousins)
- another shareholder
- the Trust
- the Victorian or Commonwealth Governments.

How to transfer a share

To transfer shares, you must complete the Instrument of Transfer form.

This is a legal document, and you will need to get supporting information ready to submit with the form.

Documents needed to transfer shares


- completed Instrument of Transfer form
- certified copy of identity document for person transferring the shares
- certified copy of identity document for person receiving the shares
- statutory declaration by the person transferring the shares
- statutory declaration by the person receiving the shares

Acceptable identity documents include:

- Australian driver licence or learner permit
- Australian Passport
- health care card, pensioner concession card, or seniors' health card
- proof of age card
- photo identification card issued by a tertiary institution
- working with children check card
- Australian citizenship certificate
- medicare card
- veteran card.

Each statutory declaration must state:

- the number of shares being sold or transferred
- if the shares are being transferred to a family member, the relationship between the person transferring the shares and the person receiving the shares
- if the shares are being sold, that the sale is in accordance with section 14 of the Act
- if the shares are being transferred without being sold, that the transfer is not a sale or exchange for money or goods
- that the sale or transfer is being made in accordance with the Act and the Aboriginal Lands Regulations 2025.



When you have completed these documents, you should submit them to the Committee of Management.

The Committee of Management must approve the share transfer and update the share register before it is final.

The Trust must then notify all shareholders of the transfer within 28 days.

How to sell a share

The Trust's auditor sets the price of the shares.

If you wish to sell a share, you must first make an offer to the Trust, or someone nominated by the Trust at the price set by the auditor. The offer must stay open for three months.

If the offer is not accepted after three months, you may sell the share to one of the following people:

- immediate family members (partner, brother/sister, children, grandchildren, aunts/uncles, cousins)
- another shareholder
- the Victorian or Commonwealth Governments.

If you are selling shares to one of the people listed above, the shares may not be sold for less than the price set by the auditor.

Shares that are sold or transferred to the Trust

Certain rules apply to what the Trust can do with shares which are sold or transferred to it:

- acquired shares must be held by the Trust on behalf of the other members until the end of the financial year. At the end of the financial year, the total number of shares is reduced by the number of the acquired shares
- the Trust can earn income from dividends on the acquired shares.



The share register

How are share records kept?

All shareholder records are kept on a share register. A share register is a record of all shares issued, who owns them, and how many each shareholder owns.

Each Trust has a share register, which records:

- the name and address of each shareholder
- the number of shares each shareholder holds.

Who is responsible?

The Committee of Management is responsible for keeping the share register up to date. They are responsible for notifying all shareholders when the share register is updated. This ensures transparent and updated records are kept.

Updating the share register

When the register is updated, the Trust must notify shareholders within 28 days by either:

- sending a written notice to all shareholders, or
- publishing a written notice in a place accessible to shareholders (e.g., community noticeboard, newsletter, or online portal).

The notice must include information on:


- the name and signature of the person transferring the shares
- the name, signature, and address of the person receiving the shares
- the number of shares transferred
- the date of the transfer.



What if I want to see the share register?

The Committee of Management must provide a copy of the share register for inspection to the Minister or shareholders if requested.

A copy of the share register must be provided within 14 days of receiving a written request.



How the Trust works and operates

How is the Trust managed?

The Trust is administered by a Committee of Management (Committee, also called the Board). The Committee can appoint an executive officer who is responsible for day-to-day operations of the Trust.

Who can be on the Committee?

- Shareholders and non-shareholders can be on the Committee.
- All Committee members must declare if they have any conflicts of interest in any matters considered by the Committee.

How do you get elected and how many people can serve?

- The Committee is made up of **7 people** elected by the Trust's shareholders at a general meeting or the Annual General Meeting (AGM).
- Committee members serve staggered terms. For consistency of Committee knowledge, this involves:
 - **2 members** serving until the second AGM
 - **2 members** serving until the third AGM
 - **3 members** serving until the fourth AGM
- Committee members can be re-elected after their term ends.
- The Act does not include information on how a person is nominated to be on the Committee. This is up to each Trust to determine.

Do Committee members get paid?

Committee members can receive fees and travel expenses, as decided by the Trust at a general meeting.



What if the Committee is not operating as it should?

The Minister can decide on the management of the Trust if the Committee is not meeting its obligations under the Act.

The Minister has discretionary powers to:

- issue compliance notices
- put the Trust into administration
- grant or deny requests from the Trust for exemptions from or extensions to certain requirements under the Act.

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 for a certain time.

What happens when a Committee position becomes vacant?

A Committee position becomes vacant if a member:

- becomes mentally incapable or otherwise incapable of acting in the position, bankrupt, or resigns
- is disqualified from managing a corporation under the *Corporations Act 2001*
- is convicted or found guilty of certain criminal offences involving dishonesty and is punishable by imprisonment for at least three months
- is removed by a special resolution at a general meeting.

Filling vacancies during existing terms

- If one vacancy occurs, shareholders can elect a Committee member at the next general meeting.
- If several vacancies occur and there are less than 4 members left, a general meeting must be held within 28 days to fill vacancies.
- Any new Committee member who filled a vacant position can only serve until the end of the original term of that position.



What do Committee member responsibilities include?

Committee meetings

Committee members attend meetings called by the Committee. This allows the business of the Committee to proceed.

- The Committee must meet at least 6 times per year.
- At least 4 members must be present for the meeting to proceed and decisions to be valid (this is called a quorum).
- At the first meeting after the AGM, the Committee must elect a Chair and appoint a Secretary.

Declaring interests

- Committee members must declare any personal interest in matters discussed in meetings. This is known as a conflict of interest and must be declared as soon as possible.
- The Committee member cannot vote on or discuss these matters, unless approved by the other Committee members.

Strategic planning

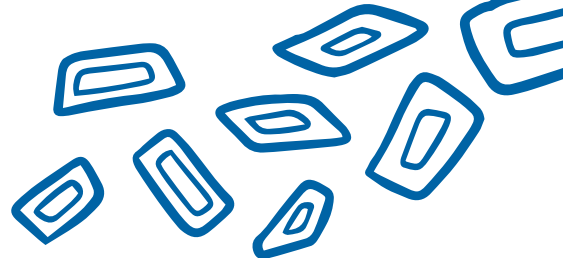
Each Trust must prepare a strategic plan every three years. The Minister reviews the draft and can approve the plan as is or request changes.

The plan must include:

- vision statement – expected to set out the long-term goal(s) of the Trust
- mission statement – expected to outline the Trust's purpose and key focus
- statement of values – expected to set out the principles guiding the Trust's decisions
- objectives to be met while the strategic plan is in effect – expected to outline the Trust's key goals to be achieved over the plan's period
- any strategic initiatives that will enable the Trust to achieve its objectives.

The Trusts must follow the approved strategic plan. A new strategic plan is required every three years after the previous plan's approval.





Reporting

Each Trust's Committee is required to prepare reporting documents at the end of each financial year and a strategic plan every three years.

To ensure the Committee of Management is operating within the rules and responsibilities given to it, they must prepare several documents at the end of each financial year. These documents are sent to shareholders at least 14 days before an AGM.

1. Audited balance sheet

A statement showing the Trust's financial position, including assets and liabilities.

This information is included in the state of affair's report.

2. Audited profit and loss account

A report outlining the Trust's income, expenses, and financial performance.

This information is included in the state of affair's report.

3. State of affairs report

This report provides an overview of the Trust's financial state.

It must include:

- audited balance sheet
- audited profit and loss account
- any amount available for dividends
- the estimated market value of the Trust's assets and any related liabilities.

4. Auditor's report

An independent auditor appointed at an AGM reviews the balance sheet, profit and loss account and the state of affairs report and provides their findings on whether the Trusts' records:

- have been properly maintained
- provide accurate information on the Trust's financial position and activities
- complied with providing all necessary information to complete the audit.



Meetings of the Trust

The Trust must hold an Annual General Meeting and at least one other general meeting every year. These meetings are for all shareholders and residents.

These meetings are different to the Committee of Management meetings, which are only for Committee of Management members to attend and are held 6 times a year.

Annual General Meeting (AGM)

The Trust must hold an AGM every year to give shareholders and residents the chance to share their views, ask questions, and discuss key issues.

This ensures the Trust is accessible and accountable to shareholders and residents.

Who can attend?

- All shareholders and residents can attend.
- Only shareholders can vote on matters discussed.

How am I notified of an AGM?

The Secretary of the Trust must send a written notice to all shareholders at least 14 days before the meeting. The notice must include:

- date, time, and location of the meeting
- agenda items to be discussed
- list of shareholders from the share register on the date the meeting is called.

What information must be provided for an AGM?

At least 14 days before the AGM, the Trust must send the following financial reports to all shareholders:

1. Audited balance-sheet
2. Audited profit and loss account
3. State of affairs report from the Committee of Management
4. Auditor's report on the balance-sheet, profit and loss account and the state of affairs report

What happens after the AGM?

The Trust must send copies of the following reports to the Minister within 14 days after the AGM:

- audited balance-sheet
- audited profit and loss account
- state of affairs report
- auditor's report on the balance-sheet, profit and loss account and the state of affairs report
- share register (as of the AGM date).

General meetings

The Trust may hold a general meeting at any time, in addition to the AGM.

Key requirements

- at least one general meeting must be held each year (separate from the AGM)
- the Secretary of the Trust must send a written notice to all shareholders at least 14 days before the meeting.

Who can attend?

- All shareholders and residents can attend.
- Only shareholders can vote on matters discussed.

How am I notified of a general meeting?

The notice must include:

- date, time, and location of the meeting
- agenda items to be discussed
- list of shareholders from the share register on the date the meeting is called.

What happens after a general meeting?

The Trust keeps records (or minutes) of decisions at general meetings, however unlike AGMs, there are no additional reporting requirements.



Requirements for Trust meetings

Timing of AGMs and general meetings

- AGMs must be held every year, within six months after the end of the financial year (by 31 December).
- At least one general meeting must also be held each year, but not within two months before or after the AGM.

Voting at meetings

- Only shareholders can vote at AGMs and general meetings.
- Shareholders must be present in person to vote.

Quorum requirements

Quorum is the minimum number of shareholders required for a meeting to proceed.

- 50% of resident shareholders (as of the date the meeting was called) must attend.
- If quorum is not met, the Chairperson must reschedule the meeting within 2 to 6 weeks.

A quorum is important, as it ensures that shareholders are involved in the decisions made by the Committee.

Meeting minutes

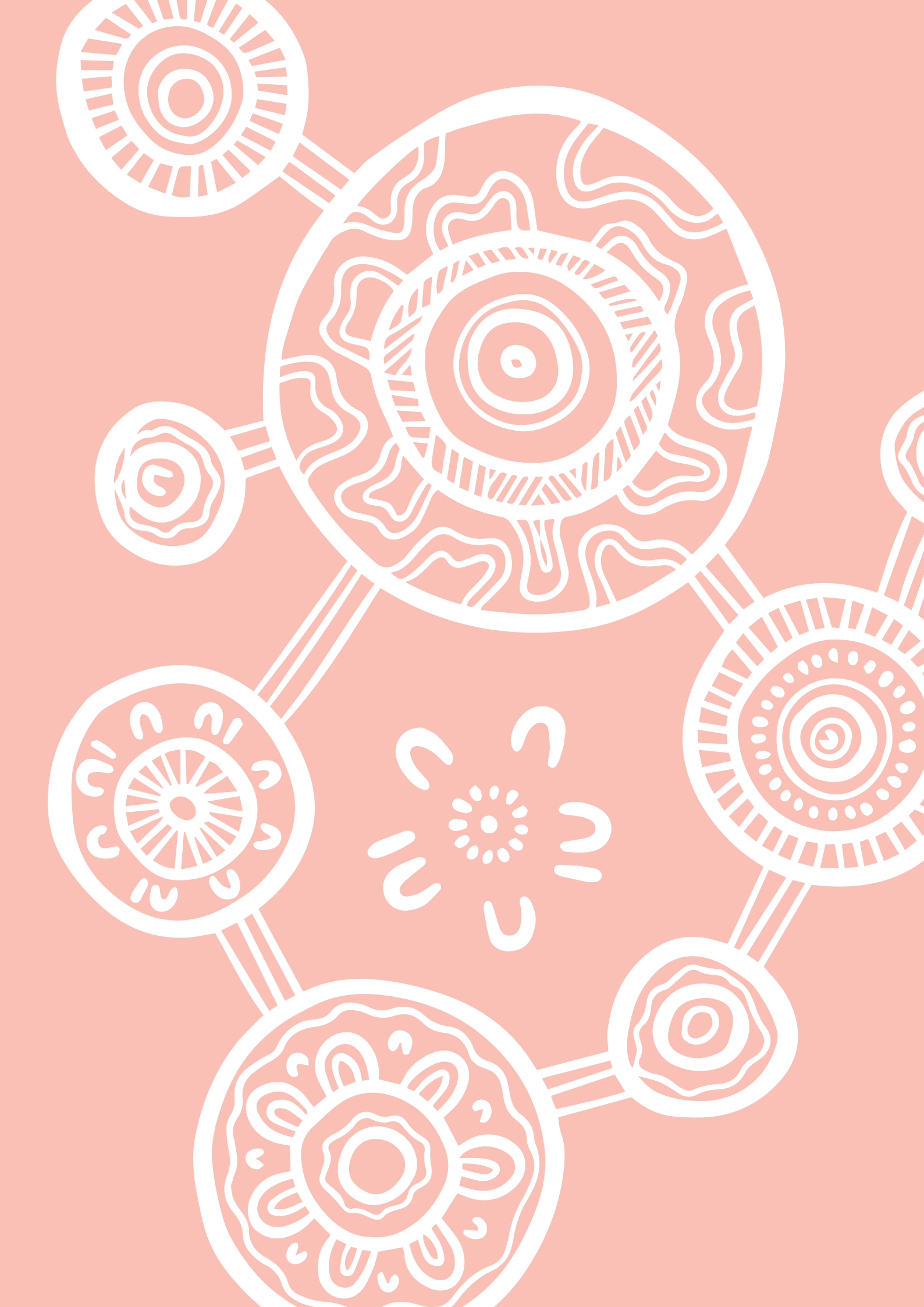
Minutes must be kept for all AGMs and general meetings to ensure there is a written record of decisions made.

Meeting minutes can be requested by shareholders or the Minister and must be provided within 14 days.

Meeting exemptions or extensions

There may be times the Trust needs to request an exemption or extension for holding meetings from the Minister.

The Minister can grant the request, extend the deadline, or refuse a request if an exemption has been granted within the same or previous year.



Land use



The Act provides information on ownership of Trust land and the rules that apply to the use of Trust land.

Who owns the Trust land?

The Trusts own the Trust land.

A Trust cannot sell, exchange, or dispose of Trust land without a unanimous resolution from all Trust members present at a general meeting.

Can the Trust lease the land?

A Trust can lease land. However, leases for longer than 21 years require a special notice to be given for a resolution at a general meeting, where at least three-quarters of eligible voters must agree to that lease.

Can the Trust land be mortgaged?

Trust land can also be mortgaged, if enough shareholders agree.

A mortgage can be used to raise money for investment and business development.



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

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.

