



AIATSIS

AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES

Native Title Information Handbook

Tasmania

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The Native Title Research Unit (NTRU) acknowledges the generous contributions of peer reviewers and welcomes suggestions and comments about the content of the Native Title Information Handbook (the Handbook). The Handbook seeks to collate publicly available information about native title and related matters. The Handbook is intended as an introductory guide only and is not intended to be, nor should it be, relied upon as a substitute for legal or other professional advice. If you are aware that this publication contains any errors or omissions please contact us. Views expressed in the Handbook are not necessarily those of AIATSIS.

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1. Introduction

Native title is not a large part of the legal and policy landscape in Tasmania. In Tasmania, Aboriginal claims to land and waters are managed via the return of land or collaborative management processes. In December 2015, there were no determinations of native title in Tasmania. The [Office of Aboriginal Affairs](#) (OAA) within the Department of Premier and Cabinet has responsibility for policy issues affecting Aboriginal and Torres Strait Islander people in Tasmania. The Department also has responsibility for native title issues, although as at 31 December 2015 there were no active native title applications in Tasmania.

2. Native title

Native title is the recognition in Australian law, under the [Native Title Act 1993 \(Cth\)](#) (NTA), that Aboriginal and Torres Strait Islander peoples had a system of law and ownership of their lands before European settlement. The historic High Court decision in [Mabo and Others v State of Queensland \(No 2\) \[1992\] HCA 23; \(1992\) 175 CLR 1](#) (*Mabo*) was the first recognition that native title continues to exist through the common law in Australia. The native title of a particular group is defined by the traditional laws and customs observed by that group of people.

[Section 223](#) of the NTA defines the native title rights and interests that are the subject of a determination of native title under [s 225](#) of the Act. In s 223(1), the term ‘native title or native title rights and interests’ means the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:

- the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and
- the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and
- the rights and interests are recognised by the common law of Australia.

The significance of the *Mabo* decision lies in the recognition that native title is a pre-existing right, inherent to Indigenous peoples by virtue of their distinct identity as first owners and occupiers of the land and their continuing systems of law. Native title is not a grant or right that is created by the Australian government nor is it dependent upon the government for its existence, although it is dependent on recognition by the common law in order to be enforceable in the Australian legal system. This distinguishes native title from other legislative land rights systems that operate in Australia whereby the government grants the title. Native title may be recognised in places where Aboriginal and Torres Strait Islander people continue to follow their

traditional laws and customs and have maintained a link with their traditional country. Native title in each instance is recognised as having its source in, and deriving its content from, the laws of Aboriginal and Torres Strait Islander people. The rights and interests that are recognised as native title may vary from group to group, from one area to another, and may differ depending on what is claimed and what might be negotiated between all of the parties with an interest in the area under claim. Native title rights may include the exclusive possession, use and occupation of traditional country or non-exclusive native title rights such as the right to access and camp or the right to hunt and fish on traditional country. Native title rights do not extend over minerals or petroleum.

The Mabo decision recognised Aboriginal and Torres Strait Islander peoples' rights over their land, and also recognised the system of laws from which those rights are derived. As a result of the Mabo decision and the subsequent enactment of the NTA Aboriginal and Torres Strait Islander people can apply to the Federal Court of Australia to have their native title rights recognised under Australian law. Native title may be recognised in relation to vacant Crown land, state forests, national parks, public reserves, pastoral leases, beaches, foreshores and waters, government or other public land and Indigenous held land (under land rights legislation).

For more information refer to the [National Native Title Handbook](#).

3. Legislation

The [Native Title Act 1993 \(Cth\)](#) (NTA) is the Australian Government's legislative response to the High Court decision in [Mabo](#), which recognised Indigenous Australians' rights and interests in land and waters according to their own traditional laws and customs under [s 223](#). The NTA provides the legal principles for the recognition of native title, the processes involved in having native title recognised and the role and responsibilities of the different bodies involved in this process.

Since it was introduced the NTA has been the subject of numerous reviews and legislative amendments. The annual native title reports of the Aboriginal and Torres Strait Islander Social Justice Commissioner provide detailed information about these reviews, reform processes and related legislative amendments, see: [Native Title Reports](#) (1994-2012) and [Social Justice Reports](#) (2013-) on the [Australian Human Rights Commission](#) website for more information. A review of the NTA was undertaken in 2015 by the Australian Law Reform Commission, see below for an overview or read the full report [here](#). A brief overview is also provided below.

Tasmanian native title legislation

The Tasmanian Government introduced the [Native Title \(Tasmania\) Act 1994 \(Tas\)](#) (NTTA) to validate past acts and to preserve certain rights. Sections 6-9 relate to the

Category A-D past act provisions of ss 229-232 of the [Native Title Act 1993 \(Cth\)](#). Section 10 confirms that extinguishment under these provisions does not entitle anyone to eject or remove an Aboriginal person who resides on or who exercises access over land or water under a pastoral lease, granted, re-granted or extended by an act attributable to the State. Section 11 confirms the preservation of beneficial reservations or conditions for Aboriginal people and sections 13-14 confirm State ownership of all natural resources; control and regulation of the flow of water; and existing fishing access rights under State law; as well as existing public access to and enjoyment of waterways, beds, banks and foreshores of waterways, coastal waters, beaches and areas that were public places as at 31 December 1993.

The Tasmanian Government has not enacted any legislation to validate intermediate period acts; confirm the extinguishment of native title by particular types of tenure; or an [alternative 'right to negotiate' regime](#).

4. Tasmanian Government agencies: policies & procedures

Overview

This section provides an overview of Tasmanian government agencies that have responsibilities for and involvement in native title and related matters including cultural heritage and Indigenous natural resource management programs (where available).

Department of Premier and Cabinet

The [Office of Aboriginal Affairs](#) (OAA) within the [Department of Premier and Cabinet](#) has responsibility for policy issues affecting Aboriginal and Torres Strait Islander people in Tasmania. The Department also has responsibility for native title issues, although as at 31 December 2015 there were no active native title applications in Tasmania. The Tasmanian Government has sought to address some Aboriginal land issues through a land transfer process. The OAA also administers the [Aboriginal Lands Act 1995 \(Tas\)](#) (see section 10 below).

Department of Primary Industries, Parks, Water and Environment

The [Department of Primary Industries, Parks, Water and Environment](#) is responsible for the management of land and resource activities in Tasmania. The Department includes [Aboriginal Heritage Tasmania](#) which administers the [Aboriginal Relics Act 1975 \(Tas\)](#) (see section 9 below). The Department also administers the [National Parks & Reserves Management Act 2002 \(Tas\)](#). The [National Parks and Wildlife Advisory Council of Tasmania](#) provides advice to the Minister and Department on parks management issues and includes Aboriginal representatives.

5. Native title representative body

Overview

There is no native title representative body located within Tasmania.

Map

The National Native Title Tribunal's (NNTT) [Representative Aboriginal/Torres Strait Islander body areas map \(PDF 663KB\)](#) shows the geographic areas covered by native title representative bodies (NTRBs) and native title service providers (often both commonly called NTRBs) across Australia.

6. Native title applications

Overview

As at 31 December 2015, four native title applications lodged in Tasmania (and there was one claimant application lodged in Victoria that included areas of Tasmania: VC1997/002) and there were no active native title applications, see Table 1 below. For up to date information about native title applications and registered native title claimant applications use the [Search applications and determinations](#) or [Search Register of native title claims](#) tools on the NNTT website.

Table 1: Native title applications in Tasmania

Application Status	Claimant	Compensation	Non Claimant	Total
Active	0	0	0	0
Other	5	0	0	5
All	5	0	0	5

Source: <http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/default.aspx> at 31 December 2015

Map

The [NNTT's Victoria & Tasmania native title applications & determination areas map \(PDF 1.8KB\)](#) shows claimant applications (as per the native title determinations applications (NTDA) schedule as lodged in the Federal Court) and native title claimant determinations (as per the National Native Title Register). This NNTT map shows applications and determinations to the most recent quarter.

7. Native title determinations

Overview

As at 31 December 2015, there had been no native title determinations within Tasmania. For up to date information about native title determinations use the [Search applications and determinations](#) or the [Search national native title register](#) tools on the NNTT website. The [AIATSIS Native Title Research Unit \(NTRU\)](#) also provides information about native title determinations in its monthly [‘What’s New’](#) service.

Map

See Map in section 5 above.

8. Registered native title bodies corporate

Overview

Under ss 55-57 of the [Native Title Act 1993 \(Cth\)](#) (NTA) native title groups are required to nominate a Prescribed Body Corporate (PBC) to hold (as trustee) or manage (as agent) their native title following a determination of native title. PBCs are entered onto the National Native Title Register. At this point, the corporation becomes a Registered Native Title Body Corporate (RNTBC).

In Tasmania as at 31 December 2015, there had been no determinations of native title and therefore there are no RNTBCs. For up to date information about native title claimant determinations and PBCs/RNTBCs use the [NNTT Search applications and determinations](#) tool on the NNTT website. The [NTRU](#) also provides information about PBC/RNTBCs in its monthly [‘What’s New’](#) service; its [Registered Native Title Bodies Corporate Summary](#) compiled from data provided by the NNTT; and on the [Native Title Corporations](#) website (see below).

National determinations and PBC map

The NNTT’s [Determinations and Native Title Prescribed Bodies Corporate Map \(PDF 1.1MB\)](#) shows determined areas covered by PBCs and also shows where PBCs are still to be nominated over determined areas. This document includes a table of the areas in each state/territory (in square kilometres) covered by native title determinations. The map is updated to the most recent quarter.

Compliance regime for RNTBCs

The NTA and the [Native Title \(Prescribed Bodies Corporate\) Regulations 1999 \(Cth\)](#) (PBC Regulations) require corporations to register under the [Corporations \(Aboriginal and Torres Strait Islander\) Act 2006 \(Cth\)](#) (CATSI Act) if they are

determined by the Federal Court to hold and manage native title rights and interests. The [Office of the Registrar of Indigenous Corporations](#) (ORIC) supports and regulates corporations incorporated under the CATSI Act. ORIC provides advice on how to incorporate, training for corporation members and office holders and corporate governance. For information about RNTBCs use the corporations search tool on the [ORIC](#) website.

Native title corporations website

The NTRU manages the [Native Title Corporations](#) website, a resource for RNTBCs and for those engaging with them. It provides information about legislation and policies, events, resources and publications, training and running a RNTBC. Information about individual RNTBCs is provided in detailed [PBC profiles](#) (including links to PBC websites where available).

9. Future acts

Overview

A [future act](#) is a proposed activity on land or waters that may affect native title rights and interests. [Section 227](#) of the NTA sets out that an act affects native title if it extinguishes the native title rights and interests or if it is otherwise wholly or partly inconsistent with their continued existence, enjoyment or exercise. Examples of future acts include the grant of a mining tenement, building public infrastructure, services or facilities and the compulsory acquisition of land. A future act is invalid to the extent it affects native title unless it complies with certain provisions in the NTA (see Subdivisions D-M of Division 3 of the [NTA](#)). These provisions include that a future act will be valid if parties to an Indigenous Land Use Agreement (ILUA) consent to it being done and details of the agreement are on the NNTT's [Register of ILUAs](#).

The future act process provides registered native title applicants and native title holders with specified rights, known as [procedural rights](#) from the time a claim is registered. The type of procedural rights which the native title group can exercise will vary (from the right to comment, be consulted, object or negotiate) depending on the type of future act that is being proposed. Generally the [right to negotiate](#) applies to future acts such as mining, exploration, prospecting, gas and petroleum exploration or extraction.

The [NNTT](#) administers the future act processes that attract the right to negotiate and provides information and support on future act related questions. The NNTT's role includes mediating between parties, conducting inquiries and making future act determinations when parties cannot reach agreement. Where a proposed future act meets the criteria set out in [s 237](#) of the NTA, it may attract an [expedited procedure](#).

This means that the act may be validly done without negotiations if there are no objections to the act. For more information see the [future acts section](#) of the NNTT website.

Future act applications and determinations

As at 31 December 2015, there have been no future act applications or determinations in Tasmania.

Future act agreements

A future act agreement is an agreement made under [s 31](#) of the NTA with native title parties about an activity that may affect native title. Once an agreement has been made the parties are required to lodge a copy of the agreement with the NNTT. In some cases parties may make agreement information public and information about (some of) these future act agreements are available on the ATNS website, see [Future act agreements \(Native Title Act\)](#).

10. Indigenous land use agreements

Overview

As at 31 December 2015 there had been no Indigenous Land Use Agreements (ILUAs) registered in Tasmania. For up to date ILUA information use the [Register of Indigenous land use agreements](#) search tool on the NNTT website. The [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website also has information about some ILUAs. The [NTRU](#) also provides information about ILUAs in its monthly 'What's New' service.

ILUA map

The NNTT [Indigenous Land Use Agreements Map \(PDF 2.02MB\)](#) shows the external boundaries of registered ILUAs (area agreements and body corporate agreements) as well as ILUAs in notification but not yet registered. It also includes a summary table of the area and proportion of land covered by ILUAs in each jurisdiction. The map shows ILUA information to the most recent quarter.

More information

For more information about ILUAs see the ILUA section of the [National Native Title Information Handbook](#) and the [ILUA section](#) of the NNTT website.

11. Cultural heritage

Overview

The [Aboriginal Relics Act 1975 \(Tas\)](#) is the primary legislation relating to the protection of Aboriginal cultural heritage in Tasmania. In 2013 the Tasmanian Government introduced the *Aboriginal Heritage Protection Bill 2013*. The Bill was passed in the House of Assembly in November 2013, but had not been passed by the Legislative Council when Parliament was prorogued for the Tasmania 15 March 2014 State election. The Bill lapsed and the new Tasmanian Government has not yet announced its approach to introducing new Aboriginal cultural heritage protection legislation. See the [Aboriginal Heritage Protection Bill 2013 fact sheet](#) on the Tasmanian Parliament website. Aboriginal human remains are protected under the [Museums \(Aboriginal Remains\) Act 1984 \(Tas\)](#).

Legislation

[Aboriginal Relics Act 1975 \(Tas\)](#)

The [Aboriginal Relics Act 1975 \(Tas\)](#) protects Aboriginal 'relics' and includes objects, places and sites made or created by Aboriginal people or that bear signs of the activities of Aboriginal people as well as human remains and burial grounds prior to 1876. The Act is administered by [Aboriginal Heritage Tasmania](#), within the [Department of Primary Industry, Parks, Water and Environment](#). In 2012 an interim Aboriginal Heritage Council was established to advise the Tasmanian Government on permit applications, development proposals and Aboriginal heritage protection and management. The *Aboriginal Relics Act* is considered to be outdated: see [Aboriginal Heritage Tasmania](#) for more information.

More information

The [NTRU](#) has compiled a [Native title and Indigenous cultural heritage bibliography \(PDF- 772kB\)](#), as part of its [native title and cultural heritage research project](#). See the NTRU website for more information about Indigenous heritage protection in Australia including links to relevant publications.

12. Land Rights

Overview

The Tasmanian Government does not have an Aboriginal land claims regime but introduced the [Aboriginal Lands Act 1995 \(Tas\)](#) to grant certain parcels of land of historical or cultural significance 'for the benefit of all Aboriginal persons and in the interests of reconciliation with the broader Tasmanian community'. The Act is

administered by the [Office of Aboriginal Affairs](#) within the Department of Premier and Cabinet. See also the [Tasmanian Aboriginal Land and Sea Council](#).

Legislation

Aboriginal Lands Act 1995 (TAS)

The [Aboriginal Lands Act 1995 \(Tas\)](#) (ALA) grants certain parcels of land of historical or cultural significance ‘for the benefit of all Aboriginal persons and in the interests of reconciliation with the broader Tasmanian community’. Parcels of land granted under the ALA are vested in the Aboriginal Land Council of Tasmania (ALCT). Schedule 3 of the ALA lists 15 parcels of land vested in ALCT: Oyster Cove, Mount Cameron West, Mount Chappell Island, Steep (Head) Island, Kutikina Cave, Ballawinne Cave, Wargata Mina Cave, Badger Island, Babel Island, Great (Big) Dog Island, Risdon Cove, part of Cape Barren Island and Wybalenna, Cape Barren Island and Clarke Island. In 2012 the Tasmanian Government attempted to amend the Act to include new areas however this was not passed.

The ALCT is a body corporate, constituted under s 6 of the ALA, consisting of eight Aboriginal people elected to represent five regions. The primary function of the ALCT is to use and sustainably manage Aboriginal land and its natural resources for the benefit of all Aboriginal people. The Crown reserves the right to make and construct any necessary drains, sewers and waterways on Aboriginal land, as well as the right to alter, amend, cleanse or repair them. Public access to some parcels of Aboriginal land is provided for under s 27 of the ALA.

Indigenous owned or controlled land in Tasmania

Information about Indigenous owned or controlled land is compiled by the Productivity Commission as part of its Overcoming Indigenous Disadvantage reports. The most recent report, [Overcoming Indigenous Disadvantage: Key Indicators 2014](#) was released on 19 November 2014. [Chapter 9](#) (section 9.2 and Table 9A.2.1) of this report provides information about Indigenous owned or controlled land (which includes Indigenous owned or controlled land that is freehold, leasehold, crown, license, Aboriginal Deed of Grant in Trust or not stated tenure). Table 2 below provides a summary of Indigenous owned or controlled land in Tasmania.

Table 2: Estimated Indigenous owned or controlled land in Tasmania (ILC data at 30 April 2014) ^(a)

Land tenure type	Unit	Total
Freehold (alienable)	km2	75.9
Leasehold (Crown Lease)	km2	46.7
Leasehold (other than Crown Lease)	km2	-
License	km2	-

Land tenure type	Unit	Total
Tenure not stated	km2	115.3
Total Indigenous land	km2	237.9
Proportion of national total of Indigenous land	%	-
Total land area of Tasmania (b)	km2	68,401
Indigenous land as a proportion of total land area of Tasmania	%	0.4
Number of land parcels (c)	no.	243

(a) The ILC makes no warranties as to the currency or accuracy of this information. Non-ILC land information data date - 2000.

(b) Total land area figures based on GeoScience Australia's published "Area of Australia - States and Territories" data as calculated from GeoScience Australia's GEODATA Coast 100K 2004 product.

(c) Parcels are individual geographic features rather than legal entities. That is, a legal parcel may be dissected into two or more parcels by, for example, a road, and are represented in these data as two parcels while being only a single legal land entity.

- Nil or rounded to zero.

Source: <http://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/key-indicators-2014/09-key-indicators-2014-chapter9.pdf> Table 9A.2.1 Estimated Indigenous owned or controlled land by State/Territory, 2014 Indigenous Land Corporation 2014 (unpublished). See Chapter 9 and related attachment tables.

13. ILC land purchases

Overview

The [Indigenous Land Corporation](#) (ILC) was established in 1995. It is a [Corporate Commonwealth Entity](#) under the [Public Governance, Performance and Accountability Act 2013](#) (Cth) and a portfolio agency of the [Department of Prime Minister and Cabinet](#). Since 2005 the ILC has been administered under the [Aboriginal and Torres Strait Islander Act 2005 \(Cth\)](#) (see part 4A of the Act).

The ILC is accountable to Parliament through the [Minister for Indigenous Affairs](#), and it is this Minister who appoints the [ILC Board](#). The ILC Board is responsible for all policy and land purchase decisions and is not under the direction of the Minister. The ILC's purpose is to assist Indigenous people to acquire and manage land to achieve economic, environmental, social and cultural benefits. The ILC acquires and grants properties to Indigenous organisations and assists Indigenous landholders to sustainably manage land and develop viable and sustainable land uses including: developing property management plans, purchasing equipment, or developing infrastructure. The ILC has recently made changes to its program delivery structure, combining its land acquisition and management functions into a single program: [Our Land Our Future](#). See the [Corporate documents](#) section of the ILC website for copies of the ILC's national, state and territory land strategies.

ILC land purchases

As at 30 June 2015, the ILC had purchased 8 properties in Tasmania covering a total area of 18,536.62 hectares. A list of land purchases (including the title holding body) is available on the ILC website: [ILC Lands Purchased](#).

Map

See the [land purchased](#) section of the ILC website to view a map of land purchases.

14. Indigenous protected areas

Overview

An Indigenous Protected Area (IPA) is an area of Indigenous-owned land (or sea) where Indigenous landowners have entered into a voluntary agreement with the Australian Government for the purposes of promoting biodiversity and cultural resource conservation. The declaration of an IPA over Indigenous owned lands results in that land being part of the [National Reserve System](#). The IPA program is administered by the [Indigenous Affairs Group](#) within the Department of the Prime Minister and Cabinet.

Indigenous protected areas in Tasmania

As at November 2015, there were eight [declared IPAs in Tasmania](#). Table 3 below provides links to IPA information (where available). See the [Indigenous Protected Areas](#) website for up to date information.

Table 3: Indigenous protected areas in Tasmania

IPA name (IPA hyperlink)	Year Declared
Babel Island	2009
Badger Island	2000
Great Dog Island	2009
Lungatalanana	2009
Mount Chappell Island	2000
Preminghana	1999
Putalina (Oyster Cove)	1999
Risdon Cove	1999

Source: <https://www.dpmc.gov.au/indigenous-affairs/about/jobs-land-and-economy-programme/indigenous-environment-branch/project-locations> at November 2015

Map of Indigenous protected areas

The [Indigenous Protected Areas Map](#) shows declared IPAs and IPA consultation projects throughout Australia.

15. Aboriginal & Torres Strait Islander population

Overview

The [Australian Bureau of Statistics](#) (ABS) conducts a census of the Australian population every five years. The [Census of Population and Housing](#) collects information about the number and characteristics of people who are in Australia on census night and the dwellings in which they live. The most recent Census was conducted on 9 August 2011. See Table 4 below and the ABS catalogue number 2075.0: [Census of Population and Housing - Counts of Aboriginal and Torres Strait Islander Australians, 2011](#) for more information.

Table 4: Aboriginal & Torres Strait Islander population (Census 2006 and 2011)

	Tasmania 2006		Tasmania 2011		Australia 2011	
	No.	%	No.	%	No.	%
Aboriginal & Torres Strait Islander population	16,767	3.5	19,625	4.0	548,369	2.5
Total population	476,480		495,350		21,507,719	

Source: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/2075.0> Table 3b: 2011 Census Counts Indigenous Status 2001-2011 (by state and territory) at 19 July 2012

The ABS estimates that the 2011 Census did not count around 17 per cent of Aboriginal and Torres Strait Islander Australians (see ABS Catalogue no. 2940.0: [Census of Population and Housing - Details of Undercount, 2011](#) on the ABS website for details). To address this problem of undercounting the ABS adjusts the Census count to derive the estimated resident Indigenous population (see ABS Catalogue no. 3238.0.55.001: [Estimates of Aboriginal and Torres Strait Islander Australians, June 2011](#) on the ABS website). The estimated resident Aboriginal and Torres Strait Islander population in Tasmania at 30 June 2011 was 24,165.

More information

The ABS has a number of publications providing further information about Australia's Aboriginal and Torres Strait Islander population including ABS Catalogue no. 4713.0: [Population Characteristics, Aboriginal and Torres Strait Islander Australians, 2006](#). The Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University has also published a number of research papers

relating to Census data and the Aboriginal and Torres Strait Islander population, see [Census papers](#) on the [CAEPR](#) website.

16. Sources

1. Native Title Legislation

- Attorney-General's Department: <http://www.ag.gov.au/>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>

2. Tasmanian Government agencies & programs: native title

- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- Department of Premier and Cabinet: <http://www.dpac.tas.gov.au/>
- Department of Premier and Cabinet – Office of Aboriginal Affairs: - <http://www.dpac.tas.gov.au/divisions/csrt/oaa>
- Department of Primary Industries, Parks, Water and Environment: <http://dpiuwe.tas.gov.au/>

3. Native Title Representative Body

- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>

4. Native Title Applications

- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>

5. Native Title Determinations

- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>

6. Registered Native Title Body Corporate

- AIATSIS – Native Title Corporations: <http://www.nativetitle.org.au/>
- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
- Office of the Registrar of Indigenous Corporations (ORIC): <http://www.oric.gov.au/>

7. Future Acts

- Attorney-General's Department: <http://www.ag.gov.au/>

- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>

8. Indigenous Land Use Agreements

- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>

9. Cultural heritage

- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
- Department of Primary Industries, Parks, Water and Environment: <http://dpiuwe.tas.gov.au/>
- Department of Primary Industries, Parks, Water and Environment – Aboriginal Heritage Tasmania: <http://www.aboriginalheritage.tas.gov.au/>

10. Land Rights

- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- Australian Productivity Commission: <http://www.pc.gov.au/>
- Department of Premier and Cabinet – Office of Aboriginal Affairs: <http://www.dpac.tas.gov.au/divisions/csr/oaa>

11. ILC land purchases

- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- Indigenous Land Corporation (ILC): <http://www.ilc.gov.au/>

12. Indigenous Protected Areas

- Department of the Prime Minister and Cabinet: Indigenous Affairs Group: <https://www.dpmc.gov.au/indigenous-affairs>
- Indigenous Protected Areas Program: <http://www.environment.gov.au/indigenous/ipa/index.html>

13. Aboriginal and Torres Strait Islander population

- Australian Bureau of Statistics: <http://www.abs.gov.au>
- Centre for Aboriginal Economic Policy Research: <http://caepr.anu.edu.au/>