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AUSTRALIAN INSTITUTE OF ABORIGINAL  
AND TORRES STRAIT ISLANDER STUDIES

# Native Title Information Handbook

**Victoria**

2016



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AIATSIS acknowledges the funding support of the Department of the Prime Minister and Cabinet.

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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### **National Library of Australia Cataloguing-in-Publication entry**

**Title:** Native title information handbook : Victoria / Australian Institute of Aboriginal and Torres Strait Islander Studies, Native Title Research Unit.

**ISBN:** 9781922102560 (ebook)

**Subjects:** Native title (Australia)--Victoria--Handbooks, manuals, etc.  
Aboriginal Australians--Land tenure--Victoria.  
Land use--Law and legislation--Victoria.  
Aboriginal Australians--Victoria.

**Other Creators/Contributors:** Australian Institute of Aboriginal and Torres Strait Islander Studies.  
Native Title Research Unit.

**Dewey Number:** 346.9450432

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## 1. Introduction

Victoria has predominantly non-exclusive possession determined native title lands. In December 2015, native title was recognised over 14 899 km<sup>2</sup> or approximately 57% of the State. At the time, 4 registered prescribed bodies corporate had been set up to hold on trust or manage that land on behalf of the native title holders. In December 2015, there had been seven native title determinations in Victoria, all of which are claimant determinations.

Other Indigenous land has been claimed under the [Traditional Owner Settlement Act 2010 \(Vic\)](#) (TOS Act). In December 2015, there had been two Recognition and Settlement Agreements under the TOS Act, with the first agreements reached with the [Gunaikurnai people](#) of Gippsland in 2010, executed in addition to the consent determination made under the [Native Title Act 1993 \(Cth\)](#) (NTA). In 2013, the State and the [Dja Dja Wurrung people](#) entered into the second agreement under the TOS Act.

The [Native Title Unit](#) within the [Department of Justice & Regulation](#) is responsible for the administration and implementation of the Victorian Government's responsibilities under the *Native Title Act 1993* (Cth) and the TOS Act. [Native Title Services Victoria](#) is the native title service provider for the state.

## 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.

## Victorian native title legislation

The Victorian Government introduced the [Land Titles Validation Act 1994 \(Vic\)](#) (LTVA) to validate past acts. In 1998, this Act was amended to validate intermediate period acts (ss 13A-G). The LTVA also confirms the complete extinguishment of native title by [previous exclusive possession acts](#) attributable to the State, and the partial extinguishment of native title by [previous non-exclusive possession acts](#) attributable to the State. The LTVA confirms ownership by the Crown of natural resources, the right to regulate water flows and existing fishing rights under State law (s 14); and public access to waterways, beds and banks of waterways, coastal waters, beaches and public areas (s 15). Section 16 specifies that ss 14 and 15 are not intended to impair or extinguish any native title rights or interests, nor affect any conferral of land or water, or any interests in land or water, under a law that confers benefits only on Aboriginal or Torres Strait Islander peoples.

## Victorian Traditional Owner Settlement legislation

In 2006 the [Victorian Traditional Owners Land Justice Group \(VTOLJG\)](#) and the Victorian Government commenced negotiations to jointly develop an alternative native title settlement framework. A Settlement Framework was developed by a Steering Committee comprising representatives of State Government agencies, the native title service provider ([Native Title Services Victoria](#)) and the VTOLJG. The Steering Committee considered alternative approaches to settling native title claims and addressing land justice by setting out what could be included in a settlement package, how negotiations could be conducted and what conditions the State requires of groups to enter into negotiations about a settlement. See the [Report of the Steering Committee for the Development of a Victorian Native Title Settlement Framework \(PDF 891KB\)](#).

The result of this process was the [Traditional Owner Settlement Act 2010 \(Vic\)](#) (TOS Act) which allows for an out-of-court settlement of native title. The Act sets out a framework for agreements between Victorian traditional owners and the State to recognise traditional owners' relationship to land; provide them with certain rights on Crown land; and resolve issues which may otherwise be dealt with through native title claims. Under the TOS Act a settlement may include:

- an overarching Recognition and Settlement Agreement – that recognises the named traditional owner group and their traditional owner rights over certain public land
- a Land Agreement – that provides for land transfers for economic or cultural purposes and grants of Aboriginal title to parks and reserves
- a Land Use Activity Agreement – that provides procedures for future use of public land that take account of traditional owner rights and interests
- a Natural Resource Agreement – that enables access and use of natural resources and traditional owner group participation in natural resource management
- a Funding Agreement, regarding a payment into the Victorian Traditional Owners Trust and payments for economic development and other purposes
- an Indigenous Land Use Agreement which binds all native title holders and validates future acts, which must be registered under the [Native Title Act 1993 \(Cth\)](#)
- a Traditional Owner Land Management Agreement that facilitates joint management of certain parks and reserves.

In return for entering into a settlement, traditional owners must agree to withdraw any native title and compensation applications under the [Native Title Act 1993 \(Cth\)](#) and not file any such applications in future. Traditional owner groups need not have a native title or compensation application before the Federal Court in order to seek a settlement under the TOS Act, but must meet the definition of 'traditional owner group' under the TOS Act. The TOS Act processes may also involve groups that have already had a native title determination (either successful or unsuccessful).

In order to enter into settlement negotiations with the State, traditional owner groups that have not already had a native title determination are required to lodge a threshold statement setting out a range of information. The [Department of Justice & Regulation](#) (DJR) has published [guidelines](#) which set out the State's policies regarding what information is required and the state's processes for evaluating threshold statements. These requirements are distinct from the connection processes under s 223 the NTA.

The TOS Act also establishes a land use activity regime (Part 4) which is an alternative to the future acts regime of the NTA and results in a land use activity agreement (LUAA). It provides procedural rights for recognised traditional owner groups over certain activities that occur on public land (as defined in section 3 of the TOS Act). A LUAA must be accompanied by an Indigenous land use agreement (ILUA) which provides for the 'contracting out' of NTA processes. See the [land use activity regime](#) section of the DJR website for more information.

The Act also provides for the Victorian Attorney-General to approve payments into the [Victorian Traditional Owners Trust](#). The TOS Act was amended in 2013 to:

- clarify the definition of traditional owner group and the relationship between certain agreements entered into in relation to a traditional owner group
- enable land use activity agreements to specify certain standard conditions and include a wider range of permits, licences and agreements
- provide that a land use activity on land within an alpine resort cannot be a negotiation or agreement activity
- allow natural resource agreements to include commercial uses of natural resources by traditional owner groups
- provide for orders to authorise some commercial uses of flora, fauna and forest produce by traditional owner groups.

The NTA continues to apply to Victoria and native title claimants may pursue their native title claim through the Federal Court if they wish. The TOS Act provides an alternative settlement process for traditional owner groups. For more information see the [Traditional Owner Settlement Act](#) section of the DJR website.

### Related legislation

For information about legislation relating to Aboriginal cultural heritage and land rights see sections 10 and 11 below.

## 4. Victorian Government agencies: policies & procedures

### Department of Justice & Regulation

The [Native Title Unit](#) in the [Department of Justice & Regulation \(DJR\)](#) is responsible for the administration and implementation of the Victorian Government's responsibilities under the [Native Title Act 1993 \(Cth\)](#) and the [Traditional Owner Settlement Act 2010 \(Vic\)](#). This includes leading agreement-making with traditional owner groups to resolve native title and address land justice; implementing a coordinated approach to managing native title claims; negotiating agreements across the government; and providing policy advice. See section 2 above and the [native title](#) section of the DJR website for more information

### Department of Environment, Land, Water & Planning

The Traditional Owner Agreement Unit in the [Department of Environment, Land, Water & Planning](#) (DELWP) (formerly the Department of Environment & Primary Industries) is also involved in native title matters and settlements under

the [Traditional Owner Settlement Act 2010 \(Vic\)](#). As the manager of the State's Crown land DELWP provides advice on the suitability of surplus Crown land and parks and reserves for transfer to a traditional owner group entity under a Land Agreement; the joint management of Aboriginal Title land; the access to and use of natural resources pursuant to a Natural Resource Agreement; and land-related economic development opportunities. Together with Parks Victoria, DELWP also administers some cooperative management agreements (CMAs) entered into before the commencement of the TOS Act. See the [Indigenous land management](#) section of the DELWP website for more information.

## Parks Victoria

[Parks Victoria](#) is a statutory authority, created by the [Parks Victoria Act 1998 \(Vic\)](#). Under the TOS Act, parks and reserves may be returned to Aboriginal traditional owners under a form of land title called Aboriginal title. Parks Victoria works in partnership with Traditional Owner Land Management Boards to oversee the management of parks covered by joint management arrangements that may form part of traditional owner settlements. Parks Victoria is also involved in some co-management arrangements entered into as part of native title settlements. See the [Aboriginal joint management](#) section of the Parks Victoria website and the [joint management](#) section of the [AIATSIS NTRU](#) website for related publications.

## Department of Economic Development, Jobs, Transport and Resources

The [Energy and Earth Resources portfolio](#) within the [Department of Economic Development, Jobs, Transport & Resources](#) is responsible for the administration of exploration, mining, extractive industry, pipeline and petroleum tenements and provides advice and services relating to the requirements of the NTA. See the [Mineral tenements and the NTA](#) section of Energy and Earth Resources for more information.

See sections 10 and 11 below for more information about Victorian government agencies involved in cultural heritage and land rights.

# 5. Native title service provider and traditional owner organisations

## Native title service provider

Native title services are provided by [Native Title Services Victoria \(NTSV\)](#). NTSV was registered as the native title service provider for Victoria in August 2003. NTSV has in-house research expertise in anthropology, history and archaeology providing the foundations for legal negotiations under the NTA or the TOS Act. NTSV also assists traditional owners to realise their economic and natural resource

management aspirations. NTSV also provides secretariat support to the [Federation of Victorian Traditional Owner Corporations](#). Table 1 provides NTSV contact details. For more information see the [NTSV](#) website.

## 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.

**Table 1: NTSV contact details**

Street Address	Postal Address	Phone	Email
12-14 Leveson St North Melbourne Victoria 3051	PO Box 431 North Melbourne Victoria 3051	(03) 9321 5300 1800 791 779	<a href="mailto:info@ntsv.com.au">info@ntsv.com.au</a>

## Victorian Traditional Owners Land Justice Group

The [Victorian Traditional Owners Land Justice Group](#) (VTOLJG) is an unincorporated body made up of representatives from each traditional owner groups in Victoria. As mentioned above, the VTOLJG worked with the Victorian Government to development an alternative native title settlement framework in Victoria and was part of the steering committee that produced the [Report of the Steering Committee for the Development of a Victorian Native Title Settlement Framework \(PDF 891kB\)](#). The VTOLG lobbies government for improvements to policy to achieve greater land justice, see the [VTOLJG](#) website for more information.

## Federation of Victorian Traditional Owner Corporations

The [Federation of Victorian Traditional Owner Corporations](#) (FVTOC) is an alliance of Victorian traditional owner corporations. The FVTOC was formed in 2013 and is made up of organisations that hold and manage native title (registered native title bodies corporate under the NTA) or traditional owner rights and interests (traditional owner group entities under the TOS Act). The Federation advocates and collaborates on a range of issues of mutual interest such as State and Federal Government policy, heritage and natural resource management and economic development. See the [FVTOC](#) website for more information.

## Map

The FVTOC map shows the geographic areas covered by member corporations [FVTOC map \(PDF 744KB\)](#).

## 6. Native title applications and traditional owner threshold statements

### Overview

As at 31 December 2015, there had been 77 native title applications in Victoria, comprising 76 claimant applications and one compensation application, see Table 2 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.

As outlined above the Victorian Government introduced an alternative settlement framework to the claims system under the NTA in 2010 with the enactment of the [Traditional Owner Settlement Act 2010 \(Vic\)](#) (TOS Act). See section 6 for information about agreements reached under the TOS Act. In May 2015, the Taungurung traditional owner group commenced negotiations with the State towards a Recognition and Settlement Agreement under the TOS Act, having met thresholds in September 2014. The Eastern Maar traditional owner group lodged a threshold statement in September 2015 and is seeking to negotiate under the TOS. The Gunditjmara traditional owner group has been negotiating a settlement under the TOS Act since December 2013 and, at the time of writing, was involved in the in-principle offer process.

**Table 2: Native title applications in Victoria**

Application Status	Claimant	Compensation	Non-Claimant	Total
Active	3	0	0	3
Other	73	1	0	74
<b>All</b>	<b>76</b>	<b>1</b>	<b>0</b>	<b>77</b>

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

### Maps

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.

NTSV also produces a [Native title claims and determinations map](#) which shows areas of registered claims; native title determinations and traditional owner settlements; and proposed traditional owners settlements.

## 7. Native title determinations and traditional owner settlements

### Overview

As at 31 December 2015 there had been seven native title determinations in Victoria, all of which are claimant determinations. As outlined above the Victorian Government introduced an alternative settlement framework to the claims system under the NTA in 2010 with the enactment of the [Traditional Owner Settlement Act 2010 \(Vic\)](#) (TOS Act). As at 31 December 2015 there had been two Recognition and Settlement Agreements under the TOS Act. On 22 October 2010, the first agreements under the TOS Act were reached with the [Gunaikurnai people](#) of Gippsland (Recognition and Settlement Agreement, Land Agreement, Funding Agreement, Traditional Owner Land Management Agreement). On 28 March 2013, the State and the [Dja Dja Wurrung people](#) entered into a Recognition and Settlement Agreement under the Traditional Owner Settlement Act (full settlement package). For more information about Recognition and Settlement Agreements in Victoria see the [native title](#) section of DJR website.

### Claimant determinations

As at 31 December 2015, native title had been found to exist in all or parts of the determination area in four of the seven claimant determinations in Victoria. Summary Table 3 below provides links to information about these claimant determinations including determination summaries on the [NNTT](#) website; relevant case law on the [Australasian Legal Information Institute \(Austlii\)](#) website (where available); determination information on the [Victorian Department of Justice and Regulation](#) website (where available); and determination summaries on the [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website (where available) which also provide links to information about the native title groups and agreements involving them.

**Table 3: Native title claimant determinations**

Short name (NNTT hyperlink)	Case name (Austlii hyperlink)	Date (DoJ&R hyperlink)	Outcome	Legal Process (ATNS hyperlink)
<a href="#">Gunditjmara &amp; Eastern Maar</a>	<a href="#">Lovett on behalf of the Gunditjmara People v State of Victoria (No 5) [2011] FCA 932</a>	<a href="#">27/07/2011</a>	Native title exists in parts of the determination area	<a href="#">Consent</a>
<a href="#">Gunai/Kurnai People</a>	<a href="#">Mullett on behalf of the Gunai/Kurnai People v State of Victoria [2010] FCA 1144</a>	<a href="#">22/10/2010</a>	Native title exists in parts of the determination area	<a href="#">Consent</a>

Short name (NNTT hyperlink)	Case name (Austlii hyperlink)	Date (DoJ&R hyperlink)	Outcome	Legal Process (ATNS hyperlink)
<a href="#">Gunditjмара – Part A</a>	<a href="#">Lovett on behalf of The Gunditjмара People v State of Victoria [2007] FCA 474</a>	30/03/2007	Native title exists in parts of the determination area	<a href="#">Consent</a>
<a href="#">Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 3</a>	<a href="#">Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria [2005] FCA 1795</a>	13/12/2005	Native title does not exist	<a href="#">Consent</a>
<a href="#">Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 2</a>	<a href="#">Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria [2005] FCA 1795</a>	13/12/2005	Native title does not exist	<a href="#">Consent</a>
<a href="#">Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 1</a>	<a href="#">Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria [2005] FCA 1795</a>	13/12/2005	Native title exists in parts of the determination area	<a href="#">Consent</a>
<a href="#">Yorta Yorta</a>	<a href="#">Members of the Yorta Yorta Aboriginal Community v Victoria [2002] HCA 58 (High Court) Members of the Yorta Yorta Aboriginal Community v State of Victoria (Including Corrigendum dated 21 March 2001) [2001] FCA 45 The Members of the Yorta Yorta Aboriginal Community v The State of Victoria [1998] 1606 FCA</a>	18/12/1998	Native title does not exist	<a href="#">Litigated</a> <sup>1</sup>

1 The *Yorta Yorta* determination relates to areas of land in both New South Wales and Victoria. In June 2004, the Victorian Government entered into a co-operative management agreement with the *Yorta Yorta* Nations Aboriginal Corporation over certain public lands that formed part of their native title claim area

Sources: <http://www.atns.net.au/default.asp>, <http://www.austlii.edu.au/>,  
<http://www.justice.vic.gov.au/home/your+rights/native+title/history+of+native+title+claims+in+victoria>  
& <http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/default.aspx> at 30 November 2015

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 [Native Title Research Unit](#) (NTRU) also provides information about native title determinations in its monthly '[What's New](#)' service. Information about native title determinations is also available on the NTSV website ([media centre](#)).

For up to date information about Traditional Owner Recognition and Settlement Agreements see the [Native title](#) section of Department of Justice and Regulation's website.

## Maps

See Maps in section 5 above.

## More information

The Productivity Commission's [Overcoming Indigenous Disadvantage: Key Indicators 2014](#) report (using data provided by the NNTT) includes information about the proportion of land where native title has been found to exist wholly or partially; or has been extinguished (as at 30 June for 2004-2013), see [Chapter 9 \(PDF 5.5MB\)](#) (section 9.2 and Table 9A.2.3).

# 8. Registered native title bodies corporate & traditional owner corporations

## Overview

Under ss 55-57 of the [Native Title Act 1993 \(Cth\)](#), 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 that native title exists. A nominated PBC is entered onto the National Native Title Register and at this point the corporation becomes known as a Registered Native Title Body Corporate (RNTBC). RNTBCs and PBCs are often commonly both referred to as PBCs.

As at 31 December 2015, there were 4 RNTBCs in Victoria. Table 4 below provides links to information about these RNTBCs on the [Native Title Corporations \(NTC\)](#) website, [the Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website (where available) and native title determination information on [the National Native Title Tribunal \(NNTT\)](#) website.

**Table 4: Registered native title bodies corporate in Victoria (listed in alphabetical order)**

RNTBC name (NTC hyperlink)	Type of RNTBC (ATNS hyperlink)	Determination date (Corporation hyperlink)	Determination short name (NNTT hyperlink)
<a href="#">Barengi Gadjin Land Council Aboriginal Corporation RNTBC</a>	<a href="#">Trustee</a>	<a href="#">13/12/2005</a>	<a href="#">Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No 1</a>
<a href="#">Eastern Maar Aboriginal Corporation RNTBC</a>	<a href="#">Agent</a>	27/07/2011	<a href="#">Gunditjmarra &amp; Eastern Maar</a>
<a href="#">Gunaikurnai Land &amp; Waters Aboriginal Corporation RNTBC</a>	<a href="#">Trustee</a>	<a href="#">25/10/2010</a>	<a href="#">Gunai/Kurnai People</a>
<a href="#">Gunditj Mirring Traditional Owners Aboriginal Corporation</a>	<a href="#">Trustee</a>	<a href="#">30/03/2007</a>	<a href="#">Gunditjmarra – Part A</a>

RNTBC name (NTC hyperlink)	Type of RNTBC (ATNS hyperlink)	Determination date (Corporation hyperlink)	Determination short name (NNTT hyperlink)
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[RNTBC](#)

Sources: <http://www.nativetitle.org.au/>, <http://www.atns.net.au/>  
& <http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/default.aspx> at 31 December 2015

For up to date information about native title claimant determinations and PBCs use the [NNTT Search applications and determinations](#) tool on the NNTT website.

The [NTRU](#) also provides information about PBCs 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 native title determinations and PBC map

The NNTT [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. See also the NTSV [Native title claims and determinations map](#).

### 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 AIATSIS 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). The NTRU team has also compiled [Funding and Training Guides for RNTBCs and PBCs](#). See the [Victoria PBC Funding and Training Guide \(PDF 675KB\)](#)

## 9. Future acts & land use activity regime

### 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.

As mentioned in section 3 above, the TOS Act also establishes a land use activity regime (Part 4) which is an alternative to the future acts regime of the NTA. It provides procedural rights for recognised traditional owner groups over certain activities that occur on public land. A Land Use Activity Agreement (LUAA) must be accompanied by an ILUA which provides for the 'contracting out' of NTA processes. For LUAA information see the [land use activity regime](#) section of the DJR website.

### Future act applications

As at 31 December 2015 there had been a total of 9 future act applications in Victoria, see Table 5 below. Use the NNTT [Future act applications and determinations](#) search tool to find information about particular applications.

**Table 5: Summary of future act applications in Victoria**

Application Type	No.
Future act determination application	10
Future act expedited procedure objection applications	0
<b>Total future act applications</b>	<b>10</b>

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

## Future act determinations

As at 31 December 2015 there had been a total of 13 future act determinations in Victoria. Use the NNTT [Future act applications and determinations](#) search tool to find information about particular determinations.

## 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 & land use activity agreements

## Overview

As at 31 December 2015, there were 55 registered Indigenous Land Use Agreements (ILUAs) in Victoria, 48 of these are Area Agreements (AA) and seven are Body Corporate Agreements (BCA). This includes two ILUAs relating to recognition and settlement agreements made under the Victoria TOS Act. Table 6 below provides links to ILUA information on the [ATNS](#) website (where available) and ILUA information (providing access NNTT register extracts and maps) on the [National Native Title Tribunal \(NNTT\)](#) website.

As mentioned in section 3 above, the TOS Act also establishes a land use activity regime (Part 4) which is an alternative to the future acts regime of the NTA, but includes the registration of a related ILUA. See the [Land use activity regime](#) section of the DJR website for more information.

**Table 6: Registered Indigenous land use agreements in Victoria**

Name (ATNS hyperlink)	File no. (NNTT hyperlink)	Date	Type	Subject
<a href="#">Gunditjmara - SEAGAS Port Campbell VIC to Torrens Island SA Pipeline ILUA</a>	<a href="#">VI2015/002</a>	25/08/2015	BCA	Pipeline, Development, Gas
<a href="#">Hazelwood, Crown Allotment 2037 ILUA</a>	<a href="#">VI2013/011</a>	02/07/2014	BCA	Extinguishment
<a href="#">Dja Dja Wurrung and Chewton Dingo Conservation Centre ILUA</a>	<a href="#">VI2013/010</a>	28/03/2014	AA	Development, Community
<a href="#">Dja Dja Wurrung and Excalibur Mining ILUA</a>	<a href="#">VI2013/009</a>	14/03/2014	AA	Mining, Exploration
<a href="#">Dja Dja Wurrung and John Styles Indigenous Land Use Agreement (ILUA)</a>	<a href="#">VI2013/007</a>	05/12/2013	AA	Extinguishment, Not specified
<a href="#">Gunaikurnai and Icon Energy Indigenous Land Use Agreement (ILUA)</a>	<a href="#">VI2013/008</a>	01/11/2013	BCA	Exploration, Petroleum
<a href="#">Dja Dja Wurrung Settlement Agreement Indigenous Land Use Agreement (ILUA)</a>	<a href="#">VI2013/002</a>	24/10/2013	AA	Government, Native Title Settlement
<a href="#">Dja Dja Wurrung and Chum Street Car Park Sale ILUA</a>	<a href="#">VI2013/005</a>	16/10/2013	AA	Development, Commercial
<a href="#">Dja Dja Wurrung and Dusan Gorjance for PL1008 ILUA</a>	<a href="#">VI2013/003</a>	16/10/2013	AA	Exploration, Mining
<a href="#">GunaiKurnai and Mt Hotham Alpine Resort</a>	<a href="#">VI2013/004</a>	12/08/2013	BCA	Infrastructure, Development
<a href="#">Dja Dja Wurrung and Fiddlers Creek Gold Mining Company</a>	<a href="#">VI2013/001</a>	04/07/2013	AA	Mining
<a href="#">Dja Dja Wurrung People and Ironbark Mining ILUA</a>	<a href="#">VI2012/005</a>	22/02/2013	AA	Mining Exploration
<a href="#">Dja Dja Wurrung and Fiddlers Creek Gold Mining Company ILUA</a>	<a href="#">VI2012/003</a>	07/01/2013	AA	Exploration
<a href="#">Dja Dja Wurrung Peoples and Maldon Resources ILUA</a>	<a href="#">VI2012/004</a>	07/01/2013	AA	Mining, Medium mining
<a href="#">Dja Dja Wurrung Peoples and Hodges Resources Ltd (EL4907)</a>	<a href="#">VI2012/002</a>	07/09/2012	AA	Exploration
Kirrae Whurrong SEA Gas ILUA	<a href="#">VI2012/001</a>	13/08/2012	AA	Pipeline, Gas
<a href="#">Gunai / Kurnai – Stan Wassylko ILUA for EL5229</a>	<a href="#">VI2011/002</a>	23/12/2011	AA	Exploration
<a href="#">NGMA Regional Mining / Exploration ILUA</a>	<a href="#">VI2011/001</a>	21/07/2011	AA	Exploration, Mining

Name (ATNS hyperlink)	File no. (NNTT hyperlink)	Date	Type	Subject
<a href="#">Dja Dja Wurrung People and Charlton Harness Racing Club ILUA</a>	<a href="#">VI2010/002</a>	31/03/2011	AA	Development, Commercial
<a href="#">Gunaikurnai Settlement ILUA</a>	<a href="#">VI2010/003</a>	08/02/2011	BCA	Government, Native Title Settlement
<a href="#">Mining License 5503 (Dja Dja Wurrung Peoples and Stephen P. Glasson and Russell L. Sanderson) ILUA</a>	<a href="#">VI2009/007</a>	27/05/2010	AA	Small mining, Mining
<a href="#">Gunditj Mirring Non-Extinguishment Principle ILUA</a>	<a href="#">VI2010/001</a>	30/03/2010	BCA	Government
<a href="#">Small Scale Regional Mining ILUA (Dja Dja Wurrung and PMAV)</a>	<a href="#">VI2008/006</a>	22/02/2010	AA	Mining, Exploration
<a href="#">Gunai/Kurnai - Morning Star Regional Exploration and Mining ILUA</a>	<a href="#">VI2007/005</a>	27/06/2008	AA	Exploration, Medium mining, Mining
<a href="#">Chum Street Car Park Project</a>	<a href="#">VI2007/002</a>	14/05/2008	AA	Development, Commercial
<a href="#">Gunditj Mirring and State of Victoria</a>	<a href="#">VI2006/004</a>	31/10/2007	BCA	Government, Tenure resolution
<a href="#">Kralcopic and Dja Dja Wurrung Mining License 5446</a>	<a href="#">VI2005/013</a>	07/09/2007	AA	Mining, Small mining
<a href="#">Porepunkah Crown Land</a>	<a href="#">VI2005/002</a>	19/06/2007	AA	Development, Commercial
<a href="#">Gournditch Mara and Essential Petroleum Resources Ltd</a>	<a href="#">VI2005/006</a>	30/01/2007	AA	Petroleum/Gas
<a href="#">Wedderburn Mining</a>	<a href="#">VI2004/006</a>	06/11/2006	AA	Mining, Large mining
<a href="#">Victorian Mining Licence 5433</a>	<a href="#">VI2005/009</a>	06/11/2006	AA	Mining, Small mining
<a href="#">Victorian Mining Licences 5414 &amp; 5415</a>	<a href="#">VI2005/014</a>	06/11/2006	AA	Mining, Small mining
<a href="#">Gournditch Mara &amp; Lynch Mining - Victorian Exploration Licences 4368 &amp; 4369</a>	<a href="#">VI2005/012</a>	06/10/2006	AA	Mining, Exploration
<a href="#">Mortlake Power Station Project Gas Pipeline</a>	<a href="#">VI2005/016</a>	27/09/2006	AA	Pipeline, Petroleum/Gas
<a href="#">Taungurung - Mt Conqueror Minerals Regional Exploration and Mining ILUA</a>	<a href="#">VI2004/004</a>	05/05/2006	AA	Mining, Exploration
<a href="#">Creswick Golf Course Redevelopment</a>	<a href="#">VI2005/007</a>	05/05/2006	AA	Development, Commercial

Name (ATNS hyperlink)	File no. (NNTT hyperlink)	Date	Type	Subject
<a href="#">Low Impact Exploration and Exploration, Dja Dja Wurrung</a>	<a href="#">VI2004/005</a>	05/05/2006	AA	Mining, Exploration
<a href="#">Low Impact Exploration and Exploration - Wamba Wamba, Barapa Barapa, &amp; Wadi Wadi Peoples</a>	<a href="#">VI2004/010</a>	05/05/2006	AA	Mining, Exploration
<a href="#">Victorian Mining Licence 4872</a>	<a href="#">VI2005/003</a>	28/02/2006	AA	Mining, Small mining
<a href="#">Victorian Mining Licence 5435 Dja Dja Wurrung</a>	<a href="#">VI2005/004</a>	23/12/2005	AA	Mining, Small mining
<a href="#">Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk</a>	<a href="#">VI2004/008</a>	11/11/2005	AA	Co-management, Consultation protocol, Extinguishment
<a href="#">Mildura Marina</a>	<a href="#">VI2005/001</a>	06/10/2005	AA	Development, Commercial
<a href="#">Terra Firma Quarries</a>	<a href="#">VI2004/003</a>	20/06/2005	AA	Mining, Exploration
<a href="#">Victorian Exploration Licence 4503</a>	<a href="#">VI2004/009</a>	22/02/2005	AA	Mining, Exploration
<a href="#">Victoria Mining Licence 5333</a>	<a href="#">VI2004/007</a>	12/01/2005	AA	Mining, Small mining
<a href="#">Lara to Birregurra Pipeline</a>	<a href="#">VI2001/007</a>	08/04/2004	AA	Pipeline
<a href="#">ML5337</a>	<a href="#">VI2002/003</a>	25/03/2003	AA	Mining, Small mining
<a href="#">ML5285</a>	<a href="#">VI2002/005</a>	14/03/2003	AA	Mining, Small mining
<a href="#">ML5330</a>	<a href="#">VI2002/004</a>	14/03/2003	AA	Mining, Small mining
<a href="#">Carapooee West Dam</a>	<a href="#">VI2002/002</a>	24/09/2002	AA	Development, Commercial
<a href="#">Birregurra – Paaratte Pipeline</a>	<a href="#">VI2001/002</a>	25/01/2002	AA	Pipeline
<a href="#">Blairgowrie</a>	<a href="#">VIA2000/004</a>	21/12/2001	AA	Development, Community
<a href="#">Dunolly Vineyard</a>	<a href="#">VIA2001/001</a>	17/08/2001	AA	Development, Commercial
<a href="#">Bryant</a>	<a href="#">VIA2000/003</a>	28/03/2001	AA	Extinguishment, Infrastructure, Public

Name (ATNS hyperlink)	File no. (NNTT hyperlink)	Date	Type	Subject
<a href="#">Birchip Hospital ILUA</a>	<a href="#">VIA2000/002</a>	28/03/2001	AA	Extinguishment, Infrastructure, Public
<a href="#">BHPP - Minerva</a>	<a href="#">VIA1999/001</a>	18/11/1999	AA	Pipeline, Petroleum/Gas

Sources: <http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/Search-Register-of-Indigenous-Land-Use-Agreements.aspx> at 30 November 2015

For up to date ILUA information use the [Register of Indigenous land use agreements](#) search tool on the NNTT website. 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.

### Land use activity agreements

As at 31 December 2015 there was 1 land use activity agreement (LUAA) in Victoria, see Table 7 below. For up to date LUAA information see the [Register of Land Use Activity Agreements](#) on the DJR website.

**Table 7: Victorian land use activity agreements**

Name (DoJ&R hyperlink)	Date
<a href="#">Dja Dja Wurrung Land Use Activity Agreement</a>	28/03/2013 (commenced 25/10/2013)

Source: <http://www.justice.vic.gov.au/home/your+rights/native+title/traditional+owner+settlement+act> at 31 December 2015

### 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. The Productivity Commission’s [Overcoming Indigenous Disadvantage: Key Indicators 2014](#) report (using data provided by the NNTT) includes information about the total area of registered ILUAs (as at 30 June for 2004-2013), see [Chapter 9 \(PDF 5.5MB\)](#) (section 9.2 and Table 9A.2.5).

# 11. Cultural heritage

## Overview

The [Aboriginal Heritage Act 2006 \(Vic\)](#) (AHA) together with the [Aboriginal Heritage Regulations 2007 \(Vic\)](#) established a new regime for the protection and management of Aboriginal cultural heritage in Victoria. Section 193 of the AHA required the Minister for Aboriginal Affairs to review the Act's 'efficacy and efficiency' by 28 May 2012. This review was completed in 2012 and looked at the operation of all parts of the AHA and related regulations. In parallel to this review, the Victorian Parliament conducted an [Inquiry into the establishment and effectiveness of Registered Aboriginal Parties](#). Issues raised during the review and inquiry process were subsequently addressed through the release of an exposure draft of the [Aboriginal Heritage Amendment Bill 2014 \(Vic\) \(PDF 772KB\)](#). In response to the review, the Inquiry and public consultation, the [Aboriginal Heritage Amendment Bill 2015](#) was introduced to Parliament and read for a [second time](#) in November 2015. Refer to the [Office of Aboriginal Affairs Victoria](#) (OAAV) website for updates.

## Legislation

### ***Aboriginal Heritage Act 2006 (Vic)***

The [Aboriginal Heritage Act 2006 \(Vic\)](#) (AHA) together with the [Aboriginal Heritage Regulations 2007 \(Vic\)](#) provides for the protection and management of Victoria's Aboriginal heritage. The AHA is administered by the [OAAV](#) within the Department of Premier & Cabinet. Key features of the AHA include:

- The establishment of a [Victorian Aboriginal Heritage Council](#).
- The introduction and management of a system of [Registered Aboriginal Parties](#) to enable Aboriginal groups with connections to country to be involved in cultural heritage decision making.
- The introduction of [Cultural Heritage Management Plans](#) and Cultural Heritage Permit processes to protect and manage Aboriginal cultural heritage within the context of development.
- A system of [Cultural Heritage Agreements](#) to support the development of partnerships around the protection and management of Aboriginal cultural heritage.
- Strengthened provisions relating to enforcement of the AHA – including [Aboriginal Heritage Protection Declarations](#) and stop orders.
- Clearer powers for Inspectors and increased fees and charges for breaches of the AHA.

The Act also has processes for dispute resolution, including the review of certain decisions through the Victorian Civil and Administrative Tribunal (VCAT). See the [Aboriginal cultural heritage](#) section of the [OAAV](#) website for more information.

### ***Aboriginal Heritage Amendment Bill 2015 (Vic)***

In 2014 the OAAV released the [Draft Aboriginal Heritage Amendment Bill 2014 \(PDF 772KB\)](#). Go to the [Aboriginal Heritage Amendment Bill 2014](#) section of the OAAV website for more information and to read the submissions received during the eight week consultation period, which closed on 2 October 2014. The final version of the bill was introduced to the Victorian parliament on 10 November 2015, and read for a [second time](#) on 11 November 2015. In January 2016, the passage of the bill was still in progress.

## Cultural heritage related reviews and inquiries

### ***Review of the Aboriginal Heritage Act 2006***

A review of the [Aboriginal Heritage Act 2006 \(Vic\)](#) was completed in 2012. Information about the review process and relevant documents including submissions, a report by PricewaterhouseCoopers on the social and economic impacts of the Act, the final report and the Victorian Government's response are available on the [Review of the Aboriginal Heritage Act 2006](#) section of the OAAV website.

### ***Parliamentary Inquiry into Registered Aboriginal Parties (RAPs)***

In 2011 the Victorian Parliament's [Environment and Natural Resources Committee \(ENRC\)](#) commenced an [Inquiry into the establishment and effectiveness of Registered Aboriginal Parties](#). The ENRC inquiry report was tabled in the Victorian Parliament in November 2012. Copies of inquiry submissions, transcripts, the final report and the Victorian Government's response are available on the Victorian Parliament website: [Inquiry into the establishment and effectiveness of Registered Aboriginal Parties](#) .

## 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

Victoria does not have a land claims regime, however several parcels of land have been granted to certain Aboriginal trusts or organisations. These land grants have been made under both Victorian and Commonwealth legislation. The Victorian Government requested the Commonwealth to legislate on its behalf to vest the lands at Lake Condah and Framlingham Forest to their traditional Aboriginal owners. The [Aboriginal Land \(Lake Condah and Framlingham Forest\) Act 1987 \(Cth\)](#) (AL(LCFF) Act) was made under the Commonwealth's races and acquisitions powers in the [Constitution](#) (ss 51(xxvi) and 51(xxxi)). The Victorian Acts are administered by the [Office of Aboriginal Affairs Victoria](#) within the [Victorian Department of Premier and Cabinet](#). The Commonwealth Act is administered by the [Department of Prime Minister and Cabinet](#) (as at 23 December 2014: Administrative Arrangements Order).

The [Traditional Owner Settlement Act 2010 \(Vic\)](#) includes provision for the grant of land in freehold title to a traditional owner group entity (ss. 14-15). Two cultural properties, Carisbrook and Franklinford, were transferred in conditional freehold to the Dja Dja Wurrung Clans Aboriginal Corporation in October 2014 (approximately 55 hectares). The condition is that land be held on trust by the traditional owner group entity for the traditional owner group (s 15(c)). The Gunditjmara traditional owner group is also in the process of concluding negotiations towards a Land Agreement.

### Legislation

#### ***Aboriginal Land Act 1970 (Vic)***

The [Aboriginal Land Act 1970 \(Vic\)](#) provides for land that had been reserved for the use of Aboriginal people at Framlingham and Lake Tyers to be vested in fee simple in the [Framlingham Aboriginal Trust](#) and the [Lake Tyers Aboriginal Trust](#) respectively as of 24 July 1971. The Act was reviewed and amended in 2013 when the Victorian Parliament passed the [Aboriginal Lands Amendment Bill 2013](#). The main changes to the Act included the ability to enter into leases for longer than 21 years; extension of the provision to appoint an administrator in the event of governance failure to include Framlingham Aboriginal Trust; a new provision for a Board of persons to act as administrator, and strengthened reporting requirements on finances and the social and economic wellbeing of the Trust's resident communities.

#### ***Aboriginal Lands (Aborigines Advancement League) (Watt Street Northcote) Act 1982 (Vic)***

The [Aboriginal Lands \(Aborigines Advancement League\) \(Watt Street Northcote\) Act 1982 \(Vic\)](#) granted land in Watt Street Northcote to the Trustees of the [Aborigines' Advancement League](#) (Victoria). The Crown grant was conditional on the land continuing to operate as an Aboriginal Community Centre.

### ***Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987 (Cth)***

The preamble to the [Aboriginal Land \(Lake Condah and Framlingham Forest\) Act 1987 \(Cth\)](#) (AL(LCFF) Act) acknowledges the prior ownership of the land by the Kerrup-Jmara and Kirrae Whurrong clans and recognised that their rights to traditional title had never been extinguished and that the land had been taken without compensation being granted. The preamble to the AL(LCFF) Act is, however, subject to a condition that the Commonwealth does not acknowledge these matters.

As of 1 July 1987, the freehold title to the land was vested in the [Kerrup-Jmara Elders Aboriginal Corporation](#) at Lake Condah (53 hectares) and the [Kirrae Whurrong Aboriginal Corporation](#) at Framlingham Forest (1,130 hectares). These corporations have full management, control and enjoyment of the land granted to them. The corporations make by-laws with respect to certain matters, including management, access, conservation, fire protection, development and use of the land.

### ***Aboriginal Land (Northcote Land) Act 1989 (Vic)***

The [Aboriginal Land \(Northcote Land\) Act 1989 \(Vic\)](#) provides for the grant of land which is adjacent to the land reserved under the [Aboriginal Lands \(Aborigines Advancement League\) \(Watt Street Northcote\) Act 1982 \(Vic\)](#) (see above) to be vested in the [Aborigines' Advancement League](#) (Victoria). The land was granted in freehold, subject to the condition that it continues to be used for Aboriginal cultural and recreational purposes.

### ***Aboriginal Lands Act 1991 (Vic)***

The [Aboriginal Lands Act 1991 \(Vic\)](#) aims to grant specific areas of land to certain Aboriginal bodies in the interests of the Aboriginal people of Victoria. The lands granted under this Act are the Coranderrk Mission (near Healesville), Ebenezer Mission (near Dimboola), and Ramahyuk Mission (near Stratford). These areas have been reserved, respectively, for the protection of Aboriginal graves, the conservation of an area of historic interest and for the use of Aboriginal people for cultural purposes.

### ***Aboriginal Land (Manatunga Land) Act 1992 (Vic)***

The [Aboriginal Land \(Manatunga Land\) Act 1992 \(Vic\)](#) (AL(ML) Act) grants a specific area of land near the township of Robinvale in the north west of Victoria, to

the [Murray Valley Aboriginal Cooperative Limited](#). Under the AL(ML) Act the land is granted in fee simple, subject to the proviso that the land be used for Aboriginal cultural purposes.

## Indigenous owned or controlled land in Victoria

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 8 below provides a summary of Indigenous owned or controlled land in Victoria.

**Table 8: Estimated Indigenous owned or controlled land in Victoria (ILC data at 30 April 2014) <sup>(a)</sup>**

Land tenure type	Unit	Total
Freehold (alienable)	km <sup>2</sup>	53.8
Leasehold (Crown Lease)	km <sup>2</sup>	-
Leasehold (other than Crown Lease)	km <sup>2</sup>	-
License	km <sup>2</sup>	-
Tenure not stated	km <sup>2</sup>	51.9
<b>Total Indigenous land</b>	km <sup>2</sup>	<b>105.7</b>
Proportion of national total of Indigenous land	%	-
Total land area of Victoria (b)	km <sup>2</sup>	227,416.0
Indigenous land as a proportion of total land area of Victoria	%	0.1
<b>Number of land parcels (c)</b>	no.	<b>477</b>

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

<sup>(b)</sup> 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.

<sup>(c)</sup> 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 had purchased 33 properties in Victoria covering a total area of 4,970.70 hectares. The titles to 29 of these properties had been transferred to Aboriginal organisations. 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 Victoria

As at November 2015, there were five [declared IPAs in Victoria](#). Table 9 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 Victoria**

IPA name (DoE hyperlink)	Year Declared
<a href="#">Deen Maar</a>	1999
Framlingham Forest	2009
<a href="#">Kurtonitj</a>	2009
<a href="#">Lake Condah</a>	2010
<a href="#">Tyrendarra</a>	2003

Source: <https://www.dpmc.gov.au/indigenous-affairs/about/jobs-land-and-economy-programme/indigenous-environment-branch/project-locations> as 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 10 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 10: Aboriginal & Torres Strait Islander population (Census 2006 and 2011)**

	Victoria 2006		Victoria 2011		Australia 2011	
	No.	%	No.	%	No.	%
Aboriginal & Torres Strait Islander population	30,144	0.6	37,990	0.7	548,369	2.5
Total population	4,932,423		5,354,039		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 Victoria at 30 June 2011 was 47,333.

### Further 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

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- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
- Native Title Services Victoria: <http://www.nts.vic.gov.au/>
- Victorian Department of Justice & Regulation: <http://www.justice.vic.gov.au>
- Victorian Traditional Owners Land Justice Group (VTOLJG): <http://www.landjustice.com.au/>
- Victorian Traditional Owners Trust: <http://www.traditionalowners.org.au/>
- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>

### 2. Victorian Government agencies & programs: native title

- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- Parks Victoria: <http://parkweb.vic.gov.au/>
- Victorian Department of Economic Development, Jobs, Transport & Resources: <http://dsdbi.vic.gov.au/our-department>

- Victorian Department of Environment, Land, Water & Planning: <http://www.depi.vic.gov.au/home>
  - Victorian Department of Justice & Regulation – Native Title Unit <http://www.justice.vic.gov.au/utility/contact+us/native+title+unit.shtml>
3. Native title representative body & traditional owner organisation
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
  - Native Title Services Victoria: <http://www.nts.vic.gov.au/>
  - Victorian Traditional Owners Land Justice Group (VTOLJG): <http://www.landjustice.com.au/>
4. Native title applications & traditional owner threshold statements
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
  - National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
  - Native Title Services Victoria: <http://www.nts.vic.gov.au/>
  - Victorian Department of Justice & Regulation (native title): <http://www.justice.vic.gov.au/home/your+rights/native+title/>
5. Native title determinations & traditional owner settlements
- Agreements, Treaties and Negotiated Settlements (ATNS): <http://www.atns.net.au/>
  - AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
  - Australian Productivity Commission: <http://www.pc.gov.au/>
  - Australasian Legal Information Institute: <http://www.austlii.edu.au/>
  - National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
  - Victorian Department of Justice & Regulation (native title): <http://www.justice.vic.gov.au/home/your+rights/native+title/>
6. Registered native title body corporate & traditional owner corporations
- Agreements, Treaties and Negotiated Settlements (ATNS): <http://www.atns.net.au/>
  - 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/>

- Federation of Victorian Traditional Owner Corporations: <http://fvtoc.com.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

- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
- Victorian Department of Justice & Regulation (native title) : <http://www.justice.vic.gov.au/home/your+rights/native+title/>

## 8. Indigenous land use agreements & land use activity agreements

- Agreements, Treaties and Negotiated Settlements (ATNS): <http://www.atns.net.au/>
- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
- Australian Productivity Commission: <http://www.pc.gov.au/>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
- Victorian Department of Justice & Regulation (native title) : <http://www.justice.vic.gov.au/home/your+rights/native+title/>

## 9. Cultural heritage

- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- Victorian Parliament Environment & Natural Resources Committee : <http://www.parliament.vic.gov.au/enrc/>
- Victorian Department of Premier & Cabinet (Office of Aboriginal Affairs Victoria): <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-affairs-overview>

## 10. Land rights

- Agreements, Treaties and Negotiated Settlements (ATNS): <http://www.atns.net.au/>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- Australian Productivity Commission: <http://www.austlii.edu.au/>

- Department of Prime Minister & Cabinet: <http://www.dpmc.gov.au/>
  - Victorian Department of Premier & Cabinet (Office of Aboriginal Affairs): <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-affairs-overview>
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/>