

Native Title Resource Guide

New South Wales

Updated to December 31, 2010

- 1. Native Title Legislation 2
- 2. Native Title Policy & Procedures 3
- 3. Native Title Representative Body 4
- 4. Native Title Applications 5
- 5. Native Title Determinations 7
- 6. Registered Native Title Bodies Corporate 11
- 7. Indigenous Land Use Agreements 12
- 8. Future Acts 13
- 9. Land Rights..... 14
- 10. ILC Land Acquisitions..... 19
- 11. Indigenous Protected Areas 21
- 12. Population Profile 22
- 13. Sources..... 23

1. Native Title Legislation

Overview

The New South Wales Government implemented the [*Native Title \(New South Wales\) Act 1994 \(NSW\)*](#) ('the [*Act*](#)') to validate past acts (s.8 & 10-13). In 1998, this Act was amended to validate intermediate period acts attributable to the State (s.8A& 14B-14E). The 1998 amendments to the Act confirm the 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 (Part 4).

Part 3 of the Act confirms State ownership of all natural resources, rights to use, control and regulation of the flow of water, 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.

Under Part 7 of the Act, native title claimants can object to the compulsory acquisition of native title rights and interests, the creation or variation of certain mining rights, and renewals or other dealings with non-exclusive agricultural or pastoral leases. Such objections are adjudicated by the [*Administrative Decisions Tribunal*](#).

Alternative State Native Title Regime

New South Wales is one of three states to have an [*alternative state native title regime*](#) in place, refer to [*New South Wales section of the Attorney-General's Department website*](#) for further details. In summary this regime comprises:

- [*s.26A*](#) (approved exploration acts) determinations for low impact prospecting titles under the [*Mining Act 1992 \(NSW\)*](#) and low impact petroleum exploration under the [*Petroleum \(Onshore\) Act 1991 \(NSW\)*](#);
- [*s.26C*](#) (excluded opal or gem mining) determinations exempting opal mining tenements in two areas at Lightning Ridge from the right to negotiate.

These determinations were made in 2000. Part 10 of the [*Native Title \(New South Wales\) Act 1994 \(NSW\)*](#) which included specific provision relating to the [*Mining Act 1992 \(NSW\)*](#) has now expired.

2. Native Title Policy & Procedures

- [State Government](#)
- [Native Title Claims Policy](#)
- [Connection Assessment Processes](#)
- [Land and Resource Activity](#)

State Government

Native title is a 'whole of government' issue for New South Wales, as it potentially affects many different agencies and may also have a significant financial impact upon the State. The Crown Lands Division within the Department of Lands manages native title applications on behalf of the New South Wales Government. The Department of Aboriginal Affairs monitors the development of native title policy in NSW, including the effectiveness of NSW Government agencies in their development and delivery of native title policy and services.

The Minister assisting the Minister for Natural Resources (Lands) represents the Government in native title claim processes and other native title matters, however, Indigenous Land Use Agreements (ILUAs) to which the state is a party, must be approved by the Premier. The [Cabinet Office](#) provides advice to the Premier and is responsible for providing technical assistance to government agencies involved in the development of ILUAs and the co-ordination of native title matters across government. The [Crown Solicitor's Office](#) provides legal advice and services to the Government in [native title matters](#).

Native Title Claims Policy

The Government's approach to native title is outlined through a series of memoranda issued by the Premier of New South Wales. [Memorandum No 99-23 Native Title and Indigenous Land Use Agreements](#) supports the use of ILUAs as a means of resolving native title issues through 'co-operation and agreement rather than lengthy and costly litigation'.

The Government has indicated that it requires evidence from native title groups before native title agreement negotiations can proceed, (see Connection Assessment Processes below). The Aboriginal and Torres Strait Islander Social Justice Commissioner notes in the [Native Title Report 2003](#) that advice regarding the scope of such evidence is provided directly to claimant groups (p. 47).

Connection Assessment Processes

New South Wales is the only state in the Commonwealth which does not currently have a publicly available credible evidence policy or credible evidence guidelines. As a result, credible evidence has been the subject of negotiations within the parameters of each native title application. In general, however, it is clear that the State Government has adopted the approach that it requires credible evidence to be submitted for assessment before the State is willing to enter into any meaningful negotiations. The [Crown Solicitor's Office](#) and the [Cabinet Office](#) manage connection assessment processes. The NSW Government has produced a document known as *Credible Evidence Guidelines*¹ which lists 52 questions to be addressed and is provided on a case-by-case basis to applicants and Indigenous respondent parties'. This document has not been published and is not available on-line.

Land and Resource Activity

The [Mineral Resources Division](#) within the New South Wales Department of Primary Industries is responsible for the administration of exploration, mining, extractive industry, and petroleum tenements and provides advice and services relating to the requirements of the [Native Title Act 1993 \(Cth\)](#). The Department outlines procedures for the grant and renewal of exploration titles in a document entitled [Administration of Mining Legislation in NSW in the Light of the Commonwealth's Native Title Act](#) [PDF format 75Kb]. For further information refer to the [Mineral Resources Division: Native Title](#) section of the [New South Wales Department of Primary Industries website](#). For other land and resource activities refer to the Crown Lands Division within the [Department of Lands](#) or the [Department of Natural Resources](#) or [Department of Planning](#).

¹ Sourced from Appendix 3 of *Getting Outcomes Sooner: Report on a native title connection workshop Barossa Valley, July 2007*.

3. Native Title Representative Body

Overview

Native title services in New South Wales are provided by [NTSCORP](#) (formerly New South Wales Native Title Services Limited). NTSCORP is a native title service delivery agency and also assists Aboriginal communities in the Australian Capital Territory with native title matters.

Previously the [New South Wales Aboriginal Land Council](#) (NSWALC) acted as the native title representative body for New South Wales. However, in 2001 the NSWALC applied to the Minister for Immigration and Multicultural and Indigenous Affairs to withdraw its recognition as the representative body. The Minister signed an instrument in compliance with the Land Council's request on 6 December 2001, which took effect as of 7 December 2001.

Map

[The Native Title Representative Bodies Map \[PDF 724Kb\]](#) - This map provides details of the Native Title Representative Bodies and their respective boundaries as at 31 December 2009.

NTSCORP

From 20 September 2007 New South Wales Native Title Services Limited (NSWNTS) became known as [NTSCORP](#). NTSCORP has a Board of Directors made up of Member-Directors (who are members of the company), elected by the membership at the annual general meeting and up to 3 Non-Member-Directors (who are not members of the company) who are appointed by the Member-Directors on the basis of their professional or technical skills.

The purpose of NTSCORP is to 'assist Traditional Owners in NSW and the ACT in achieving cultural, social and economic benefits through native title and related processes' (New South Wales Native Title Services Limited Annual Report 2003-2004 p.6). NTSCORP has a head office located in Redfern, Sydney and one regional office located in Coffs Harbour.

NTSCorp Contact Details

STREET ADDRESS	POSTAL ADDRESS	PHONE	FAX	EMAIL
Head Office: Redfern				
Suites 9 & 15 245 Chalmers St Redfern NSW 2016	PO Box 2105 Strawberry Hills NSW 2012	(02) 9310 3188 OR 1800 111 844	(02) 9310 4177	admin@ntscorp.com.au
Regional Office: Coffs Harbour				
Suite 2 133 West High Street Coffs Harbour, NSW, 2450	PO Box 156 Coffs Harbour NSW 2450	(02) 6651 4588	(02) 6651 7954	admin@ntscorp.com.au

For more information see: the NTSCORP website <http://www.ntscorp.com.au/> or the [Agreements Treaties and Negotiated Settlements Database website](#).

4. Native Title Applications

As at 31 December 2010, 488 native title applications had been lodged within New South Wales, comprising 206 claimant applications, 264 non-claimant applications and 18 compensation applications. The table below provides a summary of the status of these applications.

Table 1.0 Native Title Applications within New South Wales

APPLICATION STATUS	CLAIMANT	NON-CLAIMANT	COMPENSATION	TOTAL
Active	28	15	0	43
Finalised: Discontinued	114	136	13	263
Finalised: Dismissed	37	61	4	102
Finalised: Full Approved Determination	5	30	1	36
Finalised: Non-Approved Determination	0	3	0	3
Finalised: Pre-Combination	2	0	0	2
Finalised: Rejected	7	0	0	7
Finalised: Struck out	5	0	0	5
Finalised: Withdrawn	8	19	0	27
TOTAL	206	264	18	488

(Source: <http://www.nntt.gov.au/Applications-And-Determinations/Search-Applications/Pages/Search.aspx> at 31/12/10)

For the most up to date information regarding native title applications refer to the [NNTT Applications Search](#) function on the [National Native Title Tribunal \(NNTT\)](#) website.

Native Title Applications Map

[NNTT NSW, ACT and Jervis Bay Applications and Determination Areas Map \[PDF 4.0MB\]](#) - This map provided by the NNTT highlights the boundaries of claimant applications recognised by the Federal Court in NSW, ACT and Jervis Bay. The map is updated quarterly.

Sea Claims

As at 31 December 2010 there were 6 native title applications including sea areas of New South Wales (as per the Register of Native Title Claims). The summary table below provides links to the [National Native Title Tribunal \(NNTT\)](#) website as well as links to explanations of zones.

Table 1.1 Sea Claims as per Register of Native Title Claims (RNTC)

Federal Court File No.	Name (NNTT Hyperlink)	RNTC status	Zone LWM	Zone 3nm	Zone 12nm	Zone 24nm	Zone EEZ
NSD6010/98	Byron Bay Bundjalung People 1	Accepted for registration	Yes	Yes	No	No	No
NSD6034/98	Bandjalang People 1	Accepted for registration	Yes	Yes	No	No	No
NSD6052/98	The Yaegl People	Accepted for registration	Yes	No	No	No	No
NSD6054/98	Gumbaynggirr People	Accepted for registration	Yes	No	No	No	No
NSD6104/98	Gumbaynggirr People	Accepted for registration	Yes	No	No	No	No
NSD6020/01	Byron Bay Bundjalung People 3	Accepted for registration	Yes	Yes	No	No	No

(Source: http://www.nntt.gov.au/Publications-And-Research/Maps-and-Spatial-Reports/Documents/Quarterly%20Maps/Sea_RNTC_stats.pdf at 31/12/10.)

For the most up to date information on sea claims, see the following information sources from the NNTT:

- [Geographic Extent of Claimant Applications subject to sea as per the register of native title claims \[PDF 0.4MB\]](#) - This map details claimant applications that include sea within the area being claimed as per the Register of Native Title Claims. The map is updated quarterly.
- [Native Title Claimant Applications as per Register of Native Title Claims that include Sea within the area being claimed \[PDF 56KB\]](#) - This corresponding table shows the name of each claimant application, number, registration status, and seaward extent of each application by jurisdiction. The table is updated quarterly.
- [Geographic extent of claimant applications subject to sea as per the schedule \(Federal Court\) and the National Native Title Register \[PDF 0.9MB\]](#) - This map depicts matters that include sea per the Schedule of Applications Federal Court Status and the National Native Title Register (NNTR). The map is updated quarterly.
- [Native Title Claimant Applications as per Schedule of Applications \(Federal Court\) and Determinations as per National Native Title Register that include sea \[PDF 50KB\]](#) - This corresponding table shows the name of each claimant application, number, registration status, and seaward extent of each application by jurisdiction. The table is updated quarterly. The table below provides a summary of the applications as per Schedule of Applications (Federal Court) and Determinations as per National Native Title Register that include sea.

5. Native Title Determinations

Overview

As at **31 December 2010** there have been a total of **35** native title determinations within New South Wales, comprising **4 claimant determinations** (including the Yorta Yorta determination which covers areas of land in New South Wales and Victoria), **30 non-claimant determinations** and **1 compensation determination**.

The summary table below provides links to information on determination summaries from the [National Native Title Tribunal \(NNTT\)](#) website and relevant case law from the [Australasian Legal Information Institute \(Austlii\)](#) website.

Table 1.2 Native Title Determinations in NSW

Short Name (NNTT Hyperlink)	Case Name (Austlii hyperlink)	Date	Outcome	Legal Process	Determination Type
Eden Local Aboriginal Land Council #2	Eden Local Aboriginal Land Council v NTSCORP Limited [2010] FCA 745	15/07/2010	Native title does not exist	Consent determination	Non-Claimant Determination
Eden Local Aboriginal Land Council #3	Eden Local Aboriginal Land Council v NTSCORP Limited [2010] FCA 746	15/07/2010	Native title does not exist	Consent determination	Non-Claimant Determination
Gandangarra Local Aboriginal Land Council	Gandangarra Local Aboriginal Land Council v Minister for Lands [2009] FCA 1136	30/09/2009	Native title does not exist	Unopposed determination	Non-Claimant Determination
Nambucca Heads Local Aboriginal Land Council	Nambucca Heads Local Aboriginal Land Council v Minister for Lands [2009] FCA 624	10/06/2009	Native title does not exist	Unopposed determination	Non-Claimant Determination
Worimi Local Aboriginal Land Council	Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales (No 2) [2008] FCA 1929	18/12/2008	Native title does not exist	Litigated determination	Non-Claimant Determination
Eden Local Aboriginal Land Council	Eden Local Aboriginal Land Council v Minister for Lands [2008] FCA 1934	17/12/2008	Native title does not exist	Consent determination	Non-Claimant Determination
The Githabul People	Trevor Close on behalf of the Githabul People v Minister for Lands [2007] FCA 1847	29/11/2007	Native title exists in the entire determination area	Consent determination	Non-Claimant Determination
Deniliquin Local Aboriginal Land Council	Deniliquin Local Aboriginal Land Council v Minister for Lands & NSW Native Title Services Limited (unreported, FCA, 14 June 2007, Jacobson J)	14/06/2007	Native title does not exist	Unopposed determination	Non-Claimant Determination
Bahtabah Local Aboriginal Land Council #1	Bahtabah Local Aboriginal Land Council v New South Wales Native Title Services Limited [2007] FCA 382	20/03/2007	Native title does not exist	Unopposed determination	Non-Claimant Determination
Bahtabah Local Aboriginal Land Council #2	Bahtabah Local Aboriginal Land Council v New South Wales Native Title Services Limited [2007] FCA 383	20/03/2007	Native title does not exist	Unopposed determination	Non-Claimant Determination

**Native Title Resource Guide
New South Wales**

<u>Illawarra Local Aboriginal Land Council</u>	New South Wales Aboriginal Land Council v New South Wales Native Title Services (<u>Unreported, FCA 112, 6 February 2007, Graham J</u>)	06/02/2007	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Ulladulla Local Aboriginal Land Council</u>	Ulladulla Local Aboriginal Land Council v New South Wales Native Title Services Limited (unreported, FCA, 13 December 2006, Jacobson J)	13/12/2006	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Forster Local Aboriginal Land Council</u>	Forster Local Aboriginal Land Council v New South Wales Native Title Services Limited [<u>2006</u>] <u>FCA 1455</u>	07/11/2006	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Worimi Local Aboriginal Land Council #3</u>	Hillig as Administrator of Worimi Local Aboriginal Land Council v NSW Native Title Services Ltd [<u>2006</u>] <u>FCA 1184</u>	01/09/2006	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Eden Local Aboriginal Land Council</u>	Cruse v New South Wales Native Title Services Ltd [<u>2006</u>] <u>FCA 1124</u>	23/08/2006	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Darkinjung Local Aboriginal Land Council (2005)</u>	Darkinjung Local Aboriginal Land Council v Minister for Lands and Ors (Unreported, FCA, 7 December 2005, Jacobson J)	07/12/2005	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Awabakal Local Aboriginal Land Council</u>	Awabakal Local Aboriginal Land Council v NSW Native Title Services Ltd (Unreported, FCA, 6 December 2005, Edmonds J)	06/12/2005	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Worimi Local Aboriginal Land Council #2</u>	Peter Hillig in his capacity as administrator of Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales [<u>2005</u>] <u>FCA 1713</u>	28/11/2005	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Worimi Local Aboriginal Land Council #1</u>	Peter Hillig in his capacity as administrator of Worimi Local Aboriginal Land Council v Minister for Lands for the State of New South Wales [<u>2005</u>] <u>FCA 1712</u>	28/11/2005	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Nowra Local Aboriginal Land Council</u>	Nowra Local Aboriginal Land Council v New South Wales Native Title Services Ltd (Unreported, FCA, 15 June 2005, Wilcox J)	15/06/2005	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Darug People</u>	Gale on behalf of the Darug People v Minister for Lands (Unreported, FCA, 7 September 2004, Madgwick J)	07/09/2004	Native title does not exist	Litigated determination	Claimant Determination
<u>Barkandji (Paakantyi) People #11</u>	Lawson v Minister for Land & Water Conservation [<u>2004</u>] <u>FCA 165</u>	16/02/2004	Native title does not exist	Litigated determination	Compensation
<u>Darkinjung Local Aboriginal Land Council (2003)</u>	Darkinjung Local Aboriginal Land Council v NSW Native Title Services Ltd (Unreported, FCA, 17 December 2003, Wilcox J)	17/12/2003	Native title does not exist	Unopposed determination	Non-Claimant Determination

Native Title Resource Guide New South Wales

<u>Bahtahbah Local Aboriginal Land Council</u>	Bahtahbah Local Aboriginal Land Council (Unreported, FCA, 19 June 2003, Wilcox J)	19/06/2003	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Darkinjung Local Aboriginal Land Council (2002)</u>	Darkinjung Local Aboriginal Land Council (Unreported, FCA, 3 May 2002, Whitlam J)	03/05/2002	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Metropolitan Local Aboriginal Land Council (Shire of Hornsby)</u>	Metropolitan Local Aboriginal Land Council (Unreported, FCA, 12 April 2002, Conti J)	12/04/2002	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Metropolitan Local Aboriginal Land Council (Municipality of Ku-Ring-Gai)</u>	Metropolitan Local Aboriginal Land Council (Unreported, FCA, 12 April 2002, Conti J)	12/04/2002	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Byron Bay</u>	Kelly v NSW Aboriginal Land Council <u>[2001] FCA 1479</u>	23/10/2001	Native title does not exist	Consent determination	Claimant Determination
<u>Darkinjung Local Aboriginal Land Council (2001)</u>	Darkinjung Local Aboriginal Land Council v New South Wales Aboriginal Land Council <u>[2001] FCA 1124</u>	10/08/2001	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Metropolitan Local Aboriginal Land Council (Forestville)</u>	Metropolitan Local Aboriginal Land Council <u>[2001] FCA 605</u>	23/05/2001	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Deniliquin Local Aboriginal Land Council</u>	Deniliquin Local Aboriginal Land Council <u>[2001] FCA 609</u>	23/05/2001	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Darkinjung Local Aboriginal Land Council (2000)</u>	Darkinjung Local Aboriginal Land Council v New South Wales Aboriginal Land Council (Unreported, FCA, 11 October 2000, Whitlam J)	11/10/2000	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Yorta Yorta</u>	Members of the Yorta Yorta Aboriginal Community v Victoria (1999) 4 ALIR 91; <u>[1998] FCA 1606</u>	18/12/1998	Native title does not exist	Litigated determination	Claimant Determination
<u>Metropolitan Local Aboriginal Land Council (Duffy's Forest)</u>	Metropolitan Local Aboriginal Land Council (Unreported, FCA, 31 March 1998, Beaumont J)	31/03/1998	Native title does not exist	Unopposed determination	Non-Claimant Determination
<u>Dunghutti People</u>	Buck v New South Wales <u>[1997] FCA 1624</u>	07/04/1997	Native title exists in the entire determination area	Consent determination	Claimant Determination

For the most up to date information regarding native title determinations refer to the [determinations webpage](#) on the [National Native Title Tribunal \(NNTT\)](#) website

The Native Title Research Unit also maintains a national [Native Title Determinations Summary](#) providing links to the determination summaries on the [NNTT website](#), relevant case law on the [Austlii website](#) and determinations information on the [ATNS website](#). Further information and resources relating to the Yorta Yorta claim can be accessed through the Native Title Research Unit's [Yorta Yorta Research Resource Page](#).

Native Title Determinations Maps

National Map:

- [NNTT Native Title Determinations National Map \[PDF 2.9MB\]](#) - This map depicts the geographic extent of claimant applications as per the schedule of applications, federal court status, and determinations of native title as per the national native title register. Federal court reference numbers are used to show the determination areas. The map is updated quarterly.

State Map:

- [NNTT NSW, ACT and Jervis Bay Applications and Determination Areas Map \[PDF 4.0MB\]](#) - This map provided by the NNTT highlights the boundaries of determination areas recognised by the Federal Court in NSW, ACT and Jervis Bay. The map is updated quarterly; it reflects applications and determinations to the most recent quarter.

Native Title Determinations that include Sea Areas

As at 31 December 2010, there were 0 native title determinations in New South Wales that include sea areas.

- [Table of Determinations as per the National Native Title Register that include Sea within Area Determined \[PDF FORMAT 31KB\]](#) – This tables shows all determinations nationally that include sea areas.

6. Registered Native Title Bodies Corporate

Under ss. 55-57 of the Native Title Act 1993, native title groups are required to nominate a 'prescribed body corporate' or 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 or RNTBC. As at 31 December 2010 there were 2 Registered Native Title Bodies Corporate (RNTBC) in New South Wales.

Table 1.3 Registered Native Title Bodies Corporate in NSW

RNTBC NAME (ORIC Hyperlink)	TYPE OF RNTBC (ATNS Hyperlink)	DETERMINATION DATE	DETERMINATION SHORT NAME (NNTT Hyperlink)
Githabul Nation Aboriginal Corporation RNTBC	Agent	29/11/2007	The Githabul People
Dunghutti Elders Council (Aboriginal Corporation) RNTBC	Trustee	07/04/1997	Dunghutti People

The NTRU has created [profiles for all Registered Native Title Bodies Corporate \(RNTBCs\)](#) in Australia. The profiles contain information (where available) about the organisation recognised as an RNTBC, including the:

- History of the organisation.
- Profile information: name, geographic details, contact details, and website.
- Administrative information: Corporation number, corporation date, and links to relevant corporation documents.
- Native Title Determination Information: links to NNTT determination details, and links to relevant case law.
- Agreements Information: links to Indigenous Land Use Agreements (ILUAs) details.
- Additional information: media releases.

The Native Title Research Unit (NTRU) also maintains a [Registered Native Title Bodies Corporate Summary document](#). This document provides details about RNTBCs in each state/territory including the RNTBC name, RNTBC type (agent or trustee) and relevant native title determination information. The document provides hyperlinks to the [Office of the Registrar of Indigenous Corporations \(ORIC\)](#) website to access contact details for the corporation. Relevant case law on the [Australasian Legal Information Institute \(Austlii\)](#) website (where available) is hyperlinked through the case name. Hyperlinked to the determination short name is information about the relevant native title determination on the [National Native Title Tribunal \(NNTT\)](#), and the hyperlink regarding the legal process provides a link to the [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website.

RNTBC Toolkits

The NTRU has compiled [toolkits for Registered Native Title Bodies Corporate \(RNTBC\)](#). These toolkits have been created to assist native title holders to access information and resources regarding funding and training opportunities that may be relevant to their RNTBCs. The need for such toolkits was highlighted in the 2007 Australian Government report 'Structures and Processes of Prescribed Bodies Corporate' (Recommendation 2).

- [The New South Wales RNTBC Toolkit is available here \[PDF 230Kb\]](#).

RNTBC Map

[Registered Native Title Bodies Corporate Map \[PDF 825 Kb\]](#) - This map shows the areas covered by RNTBCs and also shows where PBCs are still to be created over determined areas. The map also contains a table which details the areas in each state by square kilometers in which RPBCs exist as well as the areas by square kilometers in which PBCs are yet to be established. It is provided by the NNTT.

7. Indigenous Land Use Agreements

As at 31 December 2010, there were 8 registered Indigenous Land Use Agreements (ILUAs) in New South Wales, all of which are Area Agreements (AA). The summary table below provides links to ILUA information on the [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website (where available) and the [National Native Title Tribunal \(NNTT\)](#) website.

Table 1.4 Registered Indigenous Land Use Agreements in New South Wales

NNTT File NO. (NNTT hyperlink)	Name (ATNS Hyperlink)	Date	Type	Subject	Map
NIA1998/001	Tumut Brungle	21/06/1999	AA	Mining	PDF
NIA2001/001	Bundjalung of Byron Bay (Arakwal)	28/08/2001	AA	Development	PDF
NIA2000/001	Powercoal Pty Ltd, Victor Perry, Stephen Seiver & NSW ALC ILUA Area Agreement	29/08/2001	AA	Mining	PDF
NI2001/003	Twofold Bay	29/04/2002	AA	Infrastructure	PDF
NI2006/001	Githabul People ILUA	15/08/2007	AA	Access	PDF
NI2006/002	Gundungurra Taralga Wind Farm Agreement	13/12/2007	AA	Development	PDF
NI2006/005	Ti Tree Lake (Taylor's Lake) (ILUA 3)	22/04/2008	AA	Co-management Consultation Protocol	PDF
NI2006/004	Bundjalung People of Byron Bay (ILUA 2)	22/04/2008	AA	Co-management Consultation Protocol Extinguishment	PDF
NI2010/001	Cubbitch Barta Clan of the Dharawal People Indigenous Land Use Agreement	16/03/2011	AA	Access	PDF

(Sources: <http://www.atns.net.au/> and <http://www.nntt.gov.au/INDIGENOUS-LAND-USE-AGREEMENTS/SEARCH-REGISTERED-ILUAS/Pages/Search.aspx>)

For the most up to date listing of registered ILUAs refer to the [National Native Title Tribunal \(NNTT\) website](#). It is also possible to search for ILUA information on the [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website. The Native Title Research Unit also maintains a national [ILUA Summary \[PDF 566Kb\]](#) which provides links to ILUA information. For information about ILUAs which are in the process of being registered or in notification, refer to the [NNTT Table of Registered and 'In Notification' ILUAs \[PDF 21KB\]](#).

ILUA Maps and Tables

- [NNTT Indigenous Land Use Agreements Map \[PDF 927KB\]](#) - This map provides depicts the external boundaries of registered ILUAs as well as ILUAs in notification but not yet registered. The map also shows whether these ILUAs are area agreements or body corporate agreements. The map is updated quarterly.
- [NNTT Indigenous Land Use Agreements Table](#) - This table complements the map above; it contains the name, tribunal number and agreement type. The table is updated quarterly.

Registered ILUAs including Sea Areas

As at 31 December 2010, 1 of the registered ILUAs in New South Wales includes sea areas. The [Twofold Bay ILUA \(NI2001/003\)](#). More information on this ILUA is available in the table above.

Map

[NNTT Map: ILUAs including Sea Areas \[PDF 488Kb\]](#) - This map depicts the areas in which ILUAs include sea. It is updated quarterly.

8. Future Acts

Overview

A future act is an act done after 1 January 1994 (the date of the commencement of the *Native Title Act 1993*) which affects native title. If a native title claimant application satisfies the conditions of the registration test, claimants gain the right to negotiate proposed developments over land and waters in the registered area. This right to negotiate does not allow claimants to stop a project going ahead and only applies to certain types of future acts, such as mining.

The **NNTT** administers the future act processes that attract the right to negotiate (generally future acts relating to mining). The NNTT's role includes mediating between parties, conducting inquiries and making future act determinations where parties can't reach agreements.

States and territories may also establish their own right to negotiate regimes (see [alternative state native title regimes](#) on the [Attorney-General's Department](#) website). Such regimes need to mirror the NTA scheme and gain Commonwealth ministerial approval.

Table 1.5: Summary of NSW Future Act Applications and Future Act Determinations

Application/Determination Type	NO.
Future Act Determination Applications	4
Future Act Expedited Procedure Object Applications	6
Total NSW Future Act Applications	10
Future Act Determination	3
Future Act Expedited Procedure Object Determinations	2
Total NSW Future Act Determinations	5

(Sources: <http://www.nntt.gov.au/Future-Acts/Pages/default.aspx>)

Future Act Agreements

To assist exploration companies and native title claimants to reach agreement about land access issues, the NSW Minerals Council and the NSW Aboriginal Land Council developed a [Model Low Impact Exploration Access Agreement](#).

As at 31 December 2010, the [Agreements, Treaties and Negotiated Settlements \(ATNS\) website](#) has information about 6 future act agreements in New South Wales (excluding Indigenous land use agreements). This list currently appears out of date as it shows the list agreement taking place in 2001.

9. Land Rights

- [Overview](#)
- [Legislation](#)
- [Indigenous owned or controlled land in New South Wales](#)

Overview

The preamble of the [Aboriginal Land Rights Act 1983 \(NSW\)](#) gives recognition to the prior ownership and occupation of land by Aboriginal people and recognises the spiritual, social, cultural and economic importance of the land to Aboriginal people. The Act is administered by the [Department of Aboriginal Affairs](#). On 26 May 2004 the Minister for Aboriginal Affairs announced a review of the [Aboriginal Land Rights Act 1983 \(NSW\)](#). Information about the review is available on the [New South Wales Department of Aboriginal Affairs website](#). National Parks and Reserves may also be returned to Aboriginal ownership under the [National Parks and Wildlife Act 1974](#). A [chronological history of land rights in NSW](#) is available from the New South Wales Department of Aboriginal Affairs website. For more information on land rights legislation in New South Wales, see the [Allens Arthur Robinson website](#).

Legislation

[Aboriginal Land Rights Act 1983 \(NSW\) \(ALRA\)](#) (information sourced from [AAR website](#))

The ALRA aims to give rights over Crown land to representatives of Aboriginal people to help redress the injustice caused to the Aboriginal community by the deprivation of their land following the settlement of Australia. The Act establishes Aboriginal Land Councils (ALCs) at state, regional and local levels.

Definitions

The NSW Government or local Aboriginal land councils may claim 'claimable Crown lands' to be held by the relevant council. 'Claimable Crown lands' are defined as:

- land vested in the Crown which can be sold, leased or reserved or dedicated for any purpose under the *Crown Lands Consolidation Act 1913* or the *Western Lands Act 1901*;
- land which is not lawfully used or occupied;
- land which, in the opinion of a Crown lands minister, is not needed or likely to be needed as residential land or for an essential public purpose; and
- land which is not covered by a registered native title determination application by a claimant or by an approved native title determination that native title exists.

Granting claims to land

If the Crown Lands Minister is satisfied that land subject to a claim is 'claimable Crown land', the Minister will transfer the land to the relevant ALC. If the Minister is satisfied that land subject to a claim is not claimable Crown land, the Minister will refuse the claim over the land. However, if the Minister is not satisfied that land claimed is claimable Crown land because it is needed for an essential public purpose; the Minister may grant the claim subject to certain conditions relating to the use of the land. An ALC may appeal against a Minister's decision to refuse a claim.

Effect of the legislation

Most land is transferred to an ALC (ALC land) for an estate in fee simple. In the case of land subject to the *Western Lands Act 1901* not within the urban area of a city, town or village, a lease in perpetuity is granted under that Act but subject to existing native title rights and interests. Both the fee simple and lease include minerals or other natural resources in the land apart from gold, silver, petroleum and coal. An ALC has all the powers of a natural person in relation to the land and is entitled to explore for and exploit, or cause to be explored for and exploited, any mineral or natural resources within it.

Subject to the other conditions detailed below, mining operations (defined to mean prospecting, exploring or mining for mineral or other natural resources) cannot be conducted on ALC land without the consent of the relevant ALC. Any consent given may be subject to terms and conditions, including payment of fees or royalties, as the ALC wishes to impose. A local ALC may only give consent if the consent and any terms and conditions are approved by the NSW ALC or the NSW Land and Environment Court. A proposal may be referred to the Land and Environment Court if the NSW ALC has refused to approve the consent given by

the local ALC. The NSW ALC or Land and Environment Court may only refuse consent on the ground that giving consent is inequitable to the ALC or detrimental to the interests of members of other ALCs.

Other conditions

ALC consent is not required for any mining operations that may be carried out on ALC land for:

- gold, silver, coal or petroleum; or
- any other mineral under any right conferred by the *Mining Act 1992*, the *Offshore Minerals Act 1999*, or any other law, where that right was in force at the time the lands were vested in that ALC; or
- a mineral claim or authority under an exclusive right conferred by the *Mining Act 1992* or a renewal of any right, mineral claim or authority.

The Act does not prevent:

- the renewal or extension of any right, mineral claim or authority in force at the time the lands were vested in the ALC;
- the registration of a mineral claim;
- the granting of an authority under an exclusive right conferred by the *Mining Act 1992*; or
- the granting of a licence under an exclusive right conferred by the *Offshore Minerals Act 1999*.

Amendments to the *Aboriginal Land Rights Act 1983 (NSW)*

2001 Amendments

The ALRA was amended in 2001 ([Aboriginal Land Rights Amendment Act 2001](#)) and commenced in August 2002. The [Aboriginal Land Rights Regulations 2002](#) clarified how the ALRA was to be administered; these regulations commenced in October 2002.

2004 Review

On 26 May 2004 the then Minister for Aboriginal Affairs announced a [review](#) of the [Aboriginal Land Rights Act 1983 \(NSW\)](#) and established an Aboriginal Land Rights Act Review Task Force. The Taskforce comprised the Director-General of the Department of Aboriginal Affairs, the NSW Aboriginal Land Council Administrator and the Registrar of the Aboriginal Land Rights Act. The Taskforce released several papers as part of this review process:

- [Background Information for Communities](#)
- [Summary of Issues 1: Review of Land Dealings Provisions of the Aboriginal Land Rights Act 1983](#)
- [Summary of Issues 2: Structure, Representation, Government and Benefits](#)

The Department of Aboriginal Affairs also conducted ten community forums in November-December 2005:

- [Report of Ten Community Forums](#)

The Taskforce completed the review in December 2005 providing recommendations to the Minister for Aboriginal Affairs for amendments to the ALRA

2006 Amendments

The [Aboriginal Land Rights Amendment Act 2006 \(NSW\)](#) was passed in December 2006. Refer to the New South Wales [Department of Aboriginal Affairs](#) website [Aboriginal Land Rights Act 1983 Review](#) for further information. The *Aboriginal Land Rights Act* was again amended in 2006 ([Aboriginal Land Rights Amendment Act 2006](#)); this created further changes to the administration of the ALRA. Detail regarding these changes can be found in a [report](#) (online) detailing these changes or in PDF.

2009 Amendments

The *Aboriginal Land Rights Amendment Bill 2009* was introduced in the NSW Parliament on 25 June 2009 and was passed with bi-partisan support on 8 September 2009. The Governor gave her assent to the amendments on 16 September 2009. The amendments commenced operation on 31 March 2010.

The amendments provide a much clearer regulatory framework for Aboriginal Land Councils when disposing of and developing land in the increasingly complex land dealings that Aboriginal Land Councils are now involved in. The amendments incorporate the recommendations to amend the land dealing provisions of the *Aboriginal Land Rights Act 1983* following the findings of an Independent Commission Against Corruption investigation into the Koombahtoo Local Aboriginal Land Council in 2003.

In August 2009, the Minister for Aboriginal Affairs, requested that the Registrar of the *Aboriginal Land Rights Act 1983* to chair a forum comprising Aboriginal Affairs NSW and the NSW Aboriginal Land Council to consider further miscellaneous amendments to the *Aboriginal Land Rights Act*.

Download more info:

- [A summary of the key amendments](#)
- [Aboriginal Land Rights Amendment Bill 2009](#)
- [Legislative Assembly Minister's "Agreed to in Principle" Speech](#)

The 2009 amendments following the *Aboriginal Land Rights Amendment Act 2009* now require all dealings with land by the NSW Aboriginal Land Council and by Local Aboriginal Land Councils to be consistent with their respective community, land and business plan and any other applicable policies. The Act now prohibits the registration of land dealings by Aboriginal Land Councils under the *Real Property Act 1900* unless accompanied by a registration approval certificate in addition to other changes relating to land dealings.

At June 30 2011, a total of more than 27,000 claims had been lodged, with almost 18,000 claims awaiting determination. *New South Wales Aboriginal Land Council Annual Report 2009-2010* p. 51.

Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)
[\(information sourced from AAR website\)](#)

The [Aboriginal and Torres Strait Islander Heritage Protection Act 1984](#) gives the Commonwealth Minister for Aboriginal Affairs powers to protect significant Aboriginal areas or objects which may be under threat of injury or desecration. The protection is achieved by a ministerial declaration, which can follow an application from an Aboriginal person or group. The declaration must sufficiently describe the area or object to enable it to be identified. It must contain measures to protect and preserve the area or object from injury or desecration. It is an offence to contravene a provision of a declaration.

The legislation is not intended to exclude or limit the operation of the law of a State that is capable of operating concurrently with the Act. Under the Act, the Minister cannot make a declaration without consulting the appropriate State Minister as to whether, under State law, the area or object is effectively protected from threat, injury or desecration. As soon as practicable after making the declaration, the Minister must take reasonable steps to notify people who are likely to be substantially affected by the declaration.

National Parks and Wildlife Act 1974 (NSW)
[\(information sourced from AAR website\)](#)

The [National Parks and Wildlife Act 1974](#) contains provisions for the protection and preservation of Aboriginal objects and places of cultural and historic significance. Lands containing Aboriginal objects or sites may be designated as either Aboriginal areas or historic sites.

Reservation powers

Any unoccupied Crown lands on which Aboriginal objects or Aboriginal places are situated are deemed to be reserved as Aboriginal areas to preserve, protect and prevent damage. Crown lands, lands of the Crown and land acquired under the Act may be reserved as historic sites. This reservation will not affect the terms and conditions of any existing mining interest affecting those lands.

Any Crown land (with the consent of the Minister administering the *Crown Lands Consolidation Act 1913* and the holder and occupier) and other lands (with the consent of the owner and occupier) on which Aboriginal objects or Aboriginal places are situated may be declared protected archaeological areas. No reservation may be made about unoccupied Crown lands. Any place of 'special significance with respect to Aboriginal culture' may be reserved as an Aboriginal place.

Reservations are effected by the publication in the NSW Government Gazette of notices by:

- the Governor of NSW with the concurrence of the Minister administering the *Fisheries Management Act 1994* or in whom the lands are vested (in the case of Aboriginal areas and historical sites); or
- the Minister alone (in the case of Aboriginal places and protected archaeological areas).

Aboriginal areas and historic sites

It is unlawful to prospect or mine for minerals in an Aboriginal area or historic site unless authorised by an Act of Parliament or authority, authorisation, permit, lease, licence or occupancy existing at the time that land is reserved to be a historic site or an Aboriginal area or any renewal of these interests. Subject to these

exceptions, the *National Parks and Wildlife Act 1974* excludes the application of the *Mining Act 1992*, the *Offshore Minerals Act 1999*, the *Petroleum (Onshore) Act 1991* and the *Petroleum (Submerged Lands) Act 1982* to lands in an Aboriginal area or historic site. The Minister may approve prospecting for minerals subject to certain terms and conditions. Before granting consent to any prospecting for minerals, the Minister must state an intention to approve this prospecting before both Houses of Parliament. The Director-General of National Parks and Wildlife (the Director-General) is vested with the care, control and management of Aboriginal areas and historic sites

The Table (Table 1.6) below provides details of the seven areas currently listed in [Schedule 14 of the National Parks and Wildlife Act](#). Four of these areas are Aboriginal owned and leased back to NSWNPWS and one is currently under joint management arrangements.

Table 1.6 National Parks and Reserves listed in Schedule 14 of the *National Parks and Wildlife Act 1974*

Name	Date of Handback	Type (Lease or Joint Management)	Agreement Overview
Biamanga National Park	May 2006	Lease	Biamanga National Park Lease Agreement
Gulaga National Park	May 2006	Lease	Gulaga National Park Lease Agreement
Jervis Bay National Park	N/A	N/A	N/A
Mungo National Park	N/A	Joint Management Agreement	Mungo National Park Joint Management Agreement 2001
Mutawintji National Park Mutawintji Historic Site Mutawintji Nature Reserve	September 1998	Lease	Mutawintji Lease Agreement 1998
Mount Grenfell Historic Site	July 2004	Lease	Mt Grenfell Lease 2004–2034
Mount Yarrowyck Nature Reserve	N/A	N/A	N/A

Indigenous owned or controlled land in New South Wales

The *Overcoming Indigenous Disadvantage: Key Indicators 2009* Report produced by the Steering Committee of the *Review of Government Service Provision* was published in June 2009. It contains information about Indigenous owned or controlled land (excluding native title) as at December 2008. Refer to [Chapter 8](#), Section 8.2 of the Report and Attachment 8 which can be downloaded from the [Productivity Commission's Website](#). The table below (Table 1.7) is an extract from this Report (Table 8A.2.1).

Table 1.7 Indigenous owned or controlled land in New South Wales (December 2008)

LAND TENURE INFORMATION	UNIT	TOTAL
Area of land by Tenure Type		
Freehold (inalienable)	KM ²	-
Freehold (alienable)	KM ²	3,729.9
Leasehold	KM ²	616.0

**Native Title Resource Guide
New South Wales**

License	KM ²	158.8
Aboriginal Reserve	KM ²	-
Tenure Not Stated	KM ²	-
Total Indigenous Land	KM ²	4,504.8
Total Land Area of South Australia	KM ²	800,842.0
Indigenous Land as a Proportion of Total Land Area	%	0.6
Number of Indigenous Land Parcels^a	Number	6005

(Source: Table 8A.2.1 Indigenous owned or controlled land by State/Territory, December 2008, *Overcoming Indigenous Disadvantage 2009: Key Indicators Report*, Attachment 8)

^a 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 only a single legal land entity.

10. ILC Land Acquisitions

- [ILC Land Acquisitions](#)
- [ILC Land Acquisitions Map](#)

ILC Land Acquisitions

As at **31 December 2010** the [Indigenous Land Corporation](#) (ILC) had purchased **52 properties** within New South Wales, covering a total area of **228,382.87 hectares**. For further information refer to the [New South Wales & Australian Capital Territory Regional Indigenous Land Strategy 2007-12](#) [PDF 1.26MB] or the [Indigenous Land Corporation](#) website.

Table 1.8 ILC Land Purchases in NSW

Property	Area (ha)	Date Granted	Title Holding Body
Jarwonga (Billa Downs)	6492	12/11/2001	Billa Downs Aboriginal Corporation
Eurool	4518		Indigenous Land Corporation
Mogjila	26760.8	26/06/1998	Ngurampaa Ltd
Tomerong	2.312	10/07/1998	Doonyahgahl Aboriginal Elders Council Inc
Bellfields	297.271	26/06/1998	In-Ja-Ghoonji Lands Inc
St Clair Mission	33.634	28/06/1999	Wonnarua Nation Aboriginal Corporation
Old Pooncarie Mission	249.3		Indigenous Land Corporation
Cowga	9376.53	9/11/1998	Ballot Land Enterprises Ltd
Dorodong	80.5	27/08/1999	Dorodong Association Incorporated
Hillford	689.009	25/05/1999	Yawarra Hillford Aboriginal Corporation
Minyumai	2139.71	16/04/1999	Minyumai Land Holding Company
Tom's Gully / Toorooka	102.891	3/05/1999	Wunduaun Gunggu Barringin (Big River Dreaming)
Wattleridge	630.694	28/03/2009	Banbai Land Enterprises Inc
Coburn	519.576	25/05/1999	Walhallow Murri Enterprises Aboriginal Corporation
Wondaby	976.777	3/09/1999	Gallangabang Aboriginal Corporation
Canoon & Rosemont	1026.76	29/10/1999	Boorabee Aboriginal Corporation
Jubal	725.46	22/10/1999	Jubal Aboriginal Corporation
Valley Arm	73.655	28/06/1999	Wonnarua Nation Aboriginal Corporation
Bindi	19.753	15/12/1999	Aliera Heritage, Arts and Culture Aboriginal Corporation
Compton Downs	26821.3	30/06/2000	Yatama Ngurra Land Enterprises Ltd
Cyprus Hellene	0.087	9/12/1998	Metropolitan Aboriginal Association Inc
Culpra Station	15884		Indigenous Land Corporation
Highland Park#2	75.48		Indigenous Land Corporation
The North	85.16	27/08/1999	Dorodong Association Incorporated
Bulgandramine Mission	158.8	27/01/2000	Bogan River Peak Hill Wiradjuri Aboriginal Corporation

Mooki & Bassendean	3590	6/07/2000	Mooki & Bassendean Association Incorporated
Edgerton	248.912	19/03/2001	Edgerton-Kwiembal Environmental Heritage & Cultural Aboriginal Corporation
Boorabee	1662.2	29/10/1999	Boorabee Aboriginal Corporation
Toogimbie and Lorenzo	1016.06	15/12/2000	Nari Nari Tribal Council
Glenhope	4579.55	15/12/2000	Nari Nari Tribal Council
Elimdale	681	20/10/2000	Larnangurag Aboriginal Association Inc
Jinchilla Gardens	12.099		Indigenous Land Corporation
Weilmoringle & Orana	16851		Indigenous Land Corporation
Menera	1455		Indigenous Land Corporation
Illaroo	461.813	27/09/2001	Mia Mia Properties Incorporated.
Poolamacca Stn	50678.9	1/02/2002	Wilyakali Aboriginal Corporation
Cangai Creek Station	1904.032	9/03/2009	Cangai Creek Aboriginal Corporation
Kywong	19.528		Indigenous Land Corporation
Bollanolla Farm	128		Indigenous Land Corporation
Black Theatre Site	0.103		Indigenous Land Corporation
Penryn & Consul	1070.481		Indigenous Land Corporation
Trelawney Station	751.302		Indigenous Land Corporation
Balo Street Moree, 211	0.062		Indigenous Land Corporation
Peachtree Centre	0.099		Indigenous Land Corporation
35 Cope Street	0.023	19/03/2010	Wyanga Aboriginal Community Aged Care Program
Haythorpe	28907.3		Indigenous Land Corporation
178 Queen Street St Marys NSW	0.11	29/11/2005	Sydney Regional Aboriginal Corporation Legal Service
233 Abercrombie Street	0.025		Indigenous Land Corporation
88 Renwick Street Redfern	0.018		Indigenous Land Corporation
Merriman	16624		Indigenous Land Corporation
Redfern Public School	1.654		Indigenous Land Corporation
CANCELLED - See 20019 - Cope and Renwick Street	0.138		Indigenous Land Corporation

Source: <http://www.ilc.gov.au/site/page.cfm?u=193>

ILC Land Acquisitions Map

[ACT and New South Wales ILC Land Acquisitions Map](#) (August 2010) [PDF 292Kb] – This map details land grants and land acquisitions in New South Wales as of August 2010.

11. Indigenous Protected Areas

- [Indigenous Protected Areas](#)
- [Map of Indigenous Protected Areas](#)

Indigenous Protected Areas

As at **31 December 2010** there were **7** Indigenous Protected Areas within New South Wales. The table below provides links to IPA information on the [Department of Environment & Water Resources: Indigenous Protected Areas Program website](#).

Table 1.9 Indigenous Protected Areas in New South Wales

Name	Date Declared	Area (ha)
Wattleridge	30/06/2001	645
Tyrendarra	12/12/2003	237
Toogimbie	5/03/2004	4114
Tarriwa Kurrukun	9/06/2009	930
Jamba Dhandan Duringala	13/10/2009	38243
Boorabee and The Willows	6/03/2010	2779
Brewarrina Ngemba Billabong	24/11/2010	261
Total:		47,209

(Source: <http://www.environment.gov.au/indigenous/ipa/declared/index.html>)

Map of Indigenous Protected Areas

[National Map of Indigenous Protected Areas in Australia](#) - This map highlights the declared Indigenous Protected Areas, as well as Indigenous Protected Area Consultation Projects and Co-Management Consultation Projects.

12. Population Profile

The 8 August 2006 census count calculated that the Australian Indigenous population is 455,031 of the total population in Australia of 19,855,288. The total population in New South Wales is calculated to be 6,549,398 of which 138,506 or 2.11% of the territory population are calculated to be indigenous. This data can be found in the Australian Bureau of Statistics report on [Population Distribution, Aboriginal and Torres Strait Islander Australians 2006](#).

The Australian Bureau of Statistics indicates that this data does not take into consideration the undercount of Indigenous peoples as well as unknown Indigenous status. As such the ABS has produced a report of the estimated resident population (ERP) as of 30 June 2006. It suggests that the total Australian Indigenous population is 517,200 of the total Australian population of 20,697,880, whereby Indigenous Australians make up 2.5% of the total population. It is estimated that the total population in New South Wales is 6,816,087 of which 152,685 or 2.29% of the population are calculated to be indigenous. This data can be found in the Australian Bureau of Statistics report entitled [Experimental Estimates of Aboriginal and Torres Strait Islander Australians, June 2006](#).

The table below (Table 2.0) compares the calculated Australian Indigenous population in New South Wales as at 8 August 2006 with the experimental estimated resident population as at 30 June 2006.

Table 2.0 New South Wales Indigenous Population Profile, 2006

Population Profile	Aboriginal Population	Torres Strait Islander Population	Both Aboriginal and Torres Strait Islander Population	Total Indigenous Population	Total State Population	% of Indigenous population of total population
Census, 8 August 2006	130,785	4,770	2,951	138,506	6,549,398	2.11
ERP, 30 June 2006	144,236	5,248	3,201	152,685	6,816,087	2.29

(Sources: [3238.0.55.001 Experimental Estimates of Aboriginal and Torres Strait Islander Australians, Jun 2006](#) and [2006 Census Community Profile Series: Australia](#))

Further Information

- [\(4705.0\) 2006 Census Counts Population Distribution, Aboriginal and Torres Strait Islander Australians: NSW Indigenous geographic classification \(Tables 6-12\) \[PDF 19.12kB\]](#)
- [2006 Census Community Profile Series: New South Wales: Indigenous Profile \[excel 203kB\]](#)
- The ABS also provides further information by dividing NSW into Statistical Subdivisions (by geographical location). See the [2006 Census Community Profile Series NSW Statistical Division](#) webpage for more information.

13. Sources

1. Native Title Legislation

NAME	SOURCE
Allens Arthur Robinson	http://www.aar.com.au/
Attorney-General's Department - Commonwealth	http://www.ag.gov.au/
Attorney-General's Department - NSW	http://www.lawlink.nsw.gov.au/
Australasian Legal Information Institute	http://www.austlii.edu.au/

2. Native Title Policy & Procedures

NAME	SOURCE
Department of Lands	http://www.lands.nsw.gov.au
AIATSIS – NTRU	http://www.aiatsis.gov.au/ntru/
Australasian Legal Information Institute	http://www.austlii.edu.au/
ComLaw	http://www.comlaw.gov.au/
Department of Natural Resources	http://www.dnr.nsw.gov.au/
Department of Planning	http://www.planning.nsw.gov.au/
Department of Primary Industries	http://www.dpi.nsw.gov.au/
Department of Premier and Cabinet	http://www.dpc.nsw.gov.au/
NTSCorp	http://www.ntscorp.com.au/

3. Native Title Representative Body

NAME	SOURCE
Agreements, Treaties and Negotiated Settlements (ATNS) project	http://www.atns.net.au/
Australasian Legal Information Institute	http://www.austlii.edu.au/
NTSCorp	http://www.ntscorp.com.au/
ntrb.net	http://www.ntrb.net
National Native title Tribunal (NNTT)	http://www.nntt.gov.au/
New South Wales Aboriginal Land Council	http://www.alc.org.au/

4. Native Title Applications

NAME	SOURCE
National Native title Tribunal (NNTT)	http://www.nntt.gov.au/

5. Native Title Determinations

NAME	SOURCE
Agreements, Treaties and Negotiated Settlements (ATNS)	http://www.atns.net.au/
Australasian Legal Information Institute (Austlii)	http://www.austlii.edu.au/
National Native Title Tribunal (NNTT)	http://www.nntt.gov.au/
AIATSIS – NTRU	http://www.aiatsis.gov.au/ntru/

6. Registered Native Title Body Corporate

NAME	SOURCE
Agreements, Treaties and Negotiated Settlements (ATNS)	http://www.atns.net.au/

Australasian Legal Information Institute (Austlii)	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/
AIATSIS – NTRU	http://www.aiatsis.gov.au/ntru/

7. Indigenous Land Use Agreements

NAME	SOURCE
Agreements, Treaties and Negotiated Settlements (ATNS)	http://www.atns.net.au/
AIATSIS – NTRU	http://www.aiatsis.gov.au/ntru/
National Native Title Tribunal (NNTT)	http://www.nntt.gov.au/

8. Future Acts

NAME	SOURCE
Agreements, Treaties and Negotiated Settlements (ATNS)	http://www.atns.net.au/
Attorney-General's Department	http://www.ag.gov.au/
National Native Title Tribunal (NNTT)	http://www.nntt.gov.au/

9. Land Rights

NAME	SOURCE
Aboriginal and Torres Strait Islander Commission	http://pandora.nla.gov.au/pan/41033/20060106/ATSIC/default.html
Allens Arthur Robinson	http://www.aar.com.au/
Attorney-General's Department	http://www.ag.gov.au/
Australasian Legal Information Institute (Austlii)	http://www.austlii.edu.au/

Australian Productivity Commission	http://www.pc.gov.au/
Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)	http://www.fahcsia.gov.au/
Parliament of Australia	http://aph.gov.au/
Department of Aboriginal Affairs - NSW	http://www.daa.nsw.gov.au/
NSW Legislation	http://www.legislation.nsw.gov.au/
NSW Remuneration Tribunals	http://www.remtribunals.nsw.gov.au/

10. Indigenous Land Acquisitions & Management

NAME	SOURCE
Indigenous Land Corporation (ILC)	http://www.ilc.gov.au/

11. Indigenous Protected Areas

NAME	SOURCE
Department of Environment & Water Resources: Indigenous Protected Areas Program	http://www.environment.gov.au/indigenous/ipa/index.html

12 Population Profile

NAME	SOURCE
Australian Bureau of Statistics	http://www.abs.gov.au