

Native Title Resource Guide

Victoria

Updated to December 31, 2010

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1. Native Title Legislation

- [Overview](#)
- [Alternative Settlement Framework](#)

Overview

The Victorian Government introduced the [Land Titles Validation Act 1994 \(Vic\)](#) (LTVA) to validate past acts. In 1998, this Act was amended ([Land Titles Validation \(Amendment\) Act 1998 \(Vic\)](#)) 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 of this Act specifies that the confirmation of matters set out under ss.14 & 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. The [Land Titles Validation \(Amendment\) Act 1998 \(Vic\)](#) refers objections to the compulsory acquisition of native title rights and interests for the purposes of the [Pipelines Act 1967 \(Vic\)](#) to the [Victorian Civil and Administrative Tribunal](#). The Victorian Government has not implemented any [alternative state native title regimes](#).

Alternative Settlement Framework

The Victorian Government and the [Victorian Traditional Owners Land Justice Group](#) have spent since 2006 negotiating to jointly develop a Victorian Native Title Settlement Framework. The Settlement Framework was developed by a Steering Committee comprised of State Government and Traditional Owner representatives. The Framework aims to provide a more streamlined approach to settling native title claims by setting out what could be included in a settlement package, how negotiations could be conducted and what conditions the State would require to be met by groups to enter into negotiations about a package.

In July 2010, the [Traditional Owner Settlement Bill](#) was tabled in Parliament. This Bill seeks to implement many of the recommendations of the Steering Committee. The Bill was passed by the House of Representatives on the 12th of August, 2010. On 14 September 2010, the [Traditional Owner Settlement Act 2010 \(Vic\)](#) was passed by the Victorian Parliament. For further information see the [Traditional Owner Settlement Act 2010 \(Vic\) section](#) of the [Victorian Department of Justice website](#).

The [Traditional Owner Settlement Act 2010 \(Vic\)](#) seeks to create a framework for agreements between traditional owners and the State to resolve issues which may otherwise be dealt with through native title claims. The Premier noted that the "Bill's approach is to put the question of native title to one side in exchange for recognition and a range of benefits related to that recognition." The [Traditional Owner Settlement Act 2010 \(Vic\)](#) is legislation to provide for a framework for negotiation of settlement of native title claims and traditional owner aspirations. It provides for Regional Settlement Agreements which may deliver one or more of the following:

- Recognition of Traditional Rights for certain purposes;
- Land Agreements – which provide for the transfer of agreed lands either conditionally, unconditional or subject to management agreements;
- Land Use Activity Agreements – which provide for agreements in relation to activities on Crown land similar to that provided for under the future act regime of the [Native Title Act 1993 \(Cth\)](#) ('NTA');
- Land Management Agreements;
- Funding Agreements; and
- Natural Resource Agreements.

The [Traditional Owner Settlement Act 2010 \(Vic\)](#) does not prescribe any outcome. It only provides a framework for negotiations to occur and guidance on what those outcomes may involve. Outcomes still need to be negotiated on a case by case basis.

For further information see these links:

- [Traditional Owner Settlement Act 2010](#)
- [Traditional Owner Settlement Bill 2010 Explanatory Memorandum](#)
- [The policy setting: alternative native title framework – AIATSIS Summary Document](#)
- [Department of Justice \(Victoria\) – Traditional Owner Settlement Act 2010 \(FAQS\)](#)

2. Native Title Policy & Procedures

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

State Government

The [Native Title Unit](#) within the [Department of Justice](#) has the primary role in the management of native title issues in Victoria, particularly in regard to the negotiation and mediation of native title claims on behalf of the State. The Native Title Policy Unit within [Department of Sustainability & Environment](#) (DSE) is the manager of Victoria's Crown land. The DSE plays a role in resolving native title claims, negotiating agreements relating to land outcomes and facilitating increased Traditional Owner access to land.

Native Title Claims

Victoria has introduced an alternative system for resolving native title claims. In 2009 the Victorian Government announced the adoption of the Victorian Native Title Framework. The framework facilitates the direct negotiation between Traditional Owners and the Victorian Government to reach out-of-court settlements on native title and land justice issues. The aim of negotiated settlements is to reduce costs for all parties and to form stronger working relationships between the State and Traditional Owners to provide better outcomes for Traditional Owners and the community. More information on the Framework can be found in the [Report of the Steering Committee for the Development of a Victorian Native Title Settlement Framework](#).

The *Traditional Owner Settlement Act 2010* (TOS Act) provides for an out-of-court settlement of native title and delivery of land justice. The TOS Act allows the Victorian Government to make agreements to recognise Traditional Owners and their rights in Crown land, in return for agreement to withdraw all current native title claims and not to lodge any claims in the future.

Some of the benefits of the TOS Act are:

- It is a streamlined, expedited and cost effective approach to settling native title claims by negotiation
- It includes new outcomes to increase the proportion of Aboriginal people with access to their traditional lands and to increase economic and social opportunities in Victoria
- It contributes to reconciliation in Victoria through building stronger partnerships with Aboriginal Victorians, resolving long-standing land grievances, and strengthening communities and cultural identity.

The *Native Title Act 1993* (Cth) will continue to apply to Victoria and native title claimants can continue to pursue their native title claim through the Federal Court if they want to. However, the new system will provide an alternative to pursuing lengthy and costly court processes. Agreements under the TOS Act can include:

- the hand back of parks and reserves of significance to the traditional owner group to be jointly managed with the State (Land Agreement)
- a new simplified regime to guide consultation and negotiation with traditional owners for activities that have a substantial impact on traditional owners' rights in Crown land (Land Use Activity Agreement)
- increased access to, and sustainable use of, natural resources (Natural Resource Agreement).

DSE is involved in negotiating settlements under the TOS Act. DSE's role includes:

- Considering suitability of public land for handback and joint management and other outcomes on Crown land under the TOS Act
- Negotiating non-commercial access to resources for Traditional Owners.

In future, as the Crown land manager, DSE will also need to comply with Land Use Activity Agreements negotiated with Traditional Owners under the TOS Act.

The [Gunaikurnai settlement](#) is the first settlement in Victoria under the TOS Act.

Connection Assessment Processes

Under the *Traditional Owners Settlement Act 2010*, the State Government decides whether to enter into a settlement with a particular group. The group must be a 'traditional owner group' under the definition in the Act. Traditional owner group, in relation to an area of public land, means:

- if there is a group of persons who are the persons in the native title group in relation to the area in accordance with section 24CD of the *Native Title Act*, that group of persons, other than a group of persons that is a representative body under section 24CD(3)(b) of that Act; or
- if there are native title holders (within the meaning of the *Native Title Act*) in relation to the area, the native title holders; or
- in any other case, a group of persons who are recognised by the Attorney General, by notice published in the Government Gazette as the traditional owners of the land, based on Aboriginal traditional and cultural associations with the land;

These requirements for qualifying for negotiations with the State have been reduced, which will reduce the excessive technicality of the native title connection process.

Consultative Processes

In 2001 the Department of Natural Resources and Environment, (now the Department of Sustainability and Environment) launched the *Indigenous Partnership Strategy* which recognises Victorian Indigenous communities as the traditional owners of the State's land and waters. Whilst not specific to native title, this policy commits the Government to improving 'Aboriginal well-being through the development of partnerships to achieve Aboriginal aspirations for land, culture, heritage, family and community' (p.5).

The [Victorian Traditional Owners Land Justice Group](#) are a group representing voices of traditional owners in Victoria. They aim to lobby the government for improved policies, legislation and action for greater land justice for Victorian traditional owners. The group formed in 2006; see their [website](#) for further information.

The *Traditional Owner Settlement Act 2010* is the Victorian Government's primary legislative response to the report of the Steering Committee for the Development of a Victorian Native Title Settlement Framework, chaired by the eminent indigenous Australian, Professor Mick Dodson. Briefings and consultations with a wide range of peak industry stakeholders were undertaken to inform the Steering Committee's report during 2008. These included the Victorian Division of the Minerals Council of Australia, the Victorian Farmers Federation, Tourism Victoria, Victorian Association of Forest Industries and Seafood Industry Victoria. Other stakeholders consulted were the Victorian Equal Opportunity and Human Rights Council and the Victorian National Parks Association. All of these groups expressed strong support for the Steering Committee's recommendations for an alternative, quicker and fairer way to resolve native title.

Peak industry groups have been consulted in the subsequent development of key policies that underpin the *Traditional Owner Settlement Act 2010*, notably the Land Use Activity Regime policy. The Land Use Activity Regime policy is the State's alternative to the future acts regime in the Native Title Act and impacts on those wanting to undertake activities on Crown land.

Land and Resource Activity

The Minerals and Petroleum Division within the Victorian [Department of Primary Industries](#) 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 [Native Title Act 1993 \(Cth\)](#). For other land and resource activities refer to the Native Title Policy Unit within the [Department of Sustainability & Environment](#).

3. Native Title Representative Body

- [Overview](#)
- [Map](#)

Overview

Native title services in Victoria are provided by [Native Title Services Victoria](#) (NTSV), a native title service delivery agency. NTSV was registered as the native title service delivery agency for Victoria on 12 August 2003.

NTSV receives funding from the Commonwealth under s. 203FE of the *Native Title Act 1993* (Cth) to perform some of the functions of a Native Title Representative Body (NTRB) for Victoria. NTSV's primary purpose is to represent Native Title claimants in Victoria and ensure that native title rights and interests are recognised and protected.

Formerly Mirimbiak Nations Aboriginal Corporation was the native title representative body in Victoria. On 17 April 2003 the then Minister for Immigration and Multicultural and Indigenous Affairs, withdrew recognition of Mirimbiak Nations Aboriginal Corporation as a native title representative body for Victoria. On 29 May 2003 the Governing Committee of Mirimbiak convened a Special General Meeting recommending that Mirimbiak be wound up and that its assets and staff be transferred to the new native title representative body.

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.

Native Title Services Victoria Contact Details

STREET ADDRESS	POSTAL ADDRESS	PHONE	FAX	EMAIL
Level 2 - 642 Queensberry Street North Melbourne Victoria 3051 Australia	PO Box 431 North Melbourne Victoria 3051 Australia	(03) 9321 5300 or 1800 791 779	03) 9326 4075	info@ntsv.com.au

For more information see the [Native Title Services Victoria website](#) or the [Agreements Treaties and Negotiated Settlements website](#).

4. Native Title Applications

- [Overview](#)
- [Native Title Application Maps](#)
- [Sea Claims](#)

Overview

As at 31 December 2010, 74 native title applications have been lodged within Victoria, comprising 73 claimant applications and 1 compensation application. The table below provides a summary of the status of these applications.

Table 1.0 Native Title Applications within Victoria

APPLICATION STATUS	CLAIMANT	NON-CLAIMANT	COMPENSATION	TOTAL
Active	12	0	0	12
Finalised: Discontinued	17	0	1	18
Finalised: Dismissed	1	0	0	1
Finalised: Full Approved Determination	6	0	0	6
Finalised: Non-Approved Determination	0	0	0	0
Finalised: Pre-Combination	27	0	0	27
Finalised: Rejected	3	0	0	3
Finalised: Struck out	1	0	0	1
Finalised: Withdrawn	6	0	0	6
TOTAL	73	0	1	74

(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 Application Maps

[NNTT VIC & TAS Applications & Determination Areas \[PDF 3.10 MB\]](#) – This map provided by the NNTT highlights the boundaries of claimant applications recognised by the Federal Court in Victoria and Tasmania as at 31 December 2010.

Sea Claims

As at 31 December 2010 there were no native title applications including sea areas of Victoria (as per the Register of Native Title Claims). 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 in Victoria.

Table 1.1 Native title applications as per Schedule of Applications (Federal Court) and Determinations as per National Native Title Register that include sea in Victoria

Name (NNTT Hyperlink)	Federal Court File No.	RNTC status	Zone LWM	Zone 3nm	Zone 12nm	Zone 24nm	Zone EEZ
Gunai/Kurnai/Boonerwung	VID6005/98	Not Accepted for registration	Yes	Yes	Yes	Yes	No
Gunai/Kurnai People	VID6007/98	Determined	Yes	Yes	No	No	No
Gunditjmara	VID6004/98	Part Determined	Yes	Yes	No	No	No
Gunditjmara 2	VID655/06	Not Accepted for registration	Yes	Yes	No	No	No
Bunurong People	VID667/06	Not Accepted for registration	Yes	Yes	Yes	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.)

5. Native Title Determinations

- [Overview](#)
- [Claimant Determinations](#)
- [Native Title Determination Maps](#)
- [Native Title Determinations that include Sea Areas](#)

Overview

As at 31 December 2010 there have been 6 native title determinations in Victoria, all of which are claimant determinations.

Claimant Determinations

As at 31 December 2010 there have been 6 claimant determinations in Victoria, including the the Yorta Yorta claim, which covers areas of land in New South Wales and Victoria. The summary table below provides links to information about the claimant group/native title holders on the [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website, the determination summary on the [National Native Title Tribunal \(NNTT\)](#) website, relevant case law on the [Australasian Legal Information Institute \(Austlii\)](#) website and determination information on the [ATNS](#) website.

Table 1.2 Native Title Claimant Determinations

NATIVE TITLE HOLDERS (ATNS Hyperlink)	SHORT NAME (NNTT Hyperlink)	CASE NAME (Austlii hyperlink)	DATE	OUTCOME	LEGAL PROCESS ATNS HYPERLINK
Gwen Atkinson, Sheila Baksh, Beryl Booth, Margaret Donnelly, Shirley Foster, Rhoda Green, Julie Mongta, Sandra Patten, Lorraine Sellings, Jamie Thomas, Lynette Walsh, Rita Watkins And Richard Young on behalf of the Gunai/Kurnai People	Gunai/Kurnai People	<i>Mullett on behalf of the Gunai/Kurnai People v State of Victoria</i> [2010] FCA 1144	22/10/2010	Native title exists in parts of the determination area	CONSENT
Gunditjmarra People John Maxwell Lovett, Christina Isabel Saunders, Eugene Samuel Lovett and Georgina Helen Redfern on behalf of the Gunditjmarra People	Gunditjmarra	<i>Lovett on behalf of The Gunditjmarra People v State of Victoria</i> [2007] FCA 474	30/03/2007	Native title exists in parts of the determination area	CONSENT
Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples	Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 3	Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria [2005] FCA 1795	13/12/2005	Native title does not exist	CONSENT
Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples	Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 1	Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria [2005] FCA 1795	13/12/2005	Native title exists in parts of the determination area	CONSENT
Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples	Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 2	Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria [2005] FCA 1795	13/12/2005	Native title does not exist	CONSENT

Yorta Yorta Aboriginal Community	Yorta Yorta Aboriginal Community	Members of the Yorta Yorta Aboriginal Community v Victoria [2002] HCA 58 (High Court); (2002) 214 CLR 422; (2002) 194 ALR 538	18/12/1998	Native title does not exist	LITIGATED
		Members of the Yorta Yorta Aboriginal Community v State of Victoria (Including Corrigendum dated 21 March 2001) [2001] FCA 45; (2001) 110 FCR 244			
		The Members of the Yorta Yorta Aboriginal Community v The State of Victoria [1998] 1606 FCA; (1999) 4 ALIR 91			

Sources: <http://www.nntt.gov.au/Applications-And-Determinations/Search-Determinations/Pages/Search.aspx> and <http://www.austlii.edu.au/>

The Native Title Research Unit also maintains a national [Native Title Determinations Summary](#) providing links to the determination summaries on the [National Native Title Tribunal \(NNTT\)](#) website, relevant case law on the [Australasian Legal Information Institute \(Austlii\)](#) website and determinations information on the [Agreements, Treaties and Negotiated Settlements \(ATNS\) Database](#) website.

For further information regarding the Yorta Yorta determination see the following Issue Papers released by the Native Title Research Unit:

Title	Author (Issue No.)
Beyond Yorta Yorta (Based on a paper prepared for the AIATSIS Native Title Conference Alice Springs June 2003) [October 2003] (64Kb)	John Basten QC (Volume 2, No. 24)
Members of the Yorta Yorta Aboriginal Community v Victoria [2002] HCA 58 (12 December 2002) - Comment [February 2003] (40Kb)	Dr Lisa Strelein (Volume 2, No. 21)
Diaspora, Materialism, Tradition: Anthropological Issues in the Recent High Court Appeal of the Yorta Yorta [October 2002] (49Kb)	Dr James F. Weiner (Volume 2, No. 18)

Native Title Determination Maps

[NNTT Native Title Determinations National Map \[PDF 850Kb\]](#) - 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; it reflects applications and determinations to the most recent quarter.

[NNTT VIC & TAS Applications & Determination Areas \[PDF 3.10 MB\]](#) – This map provided by the NNTT highlights the boundaries of claimant applications recognised by the Federal Court in Victoria and Tasmania as at 31 December 2010. The map is updated quarterly.

Native Title Determinations that include Sea Areas

As at 31 December 2010, there were 2 native title determinations in the Victoria that include sea areas. See the [Gunai/Kurnai determination](#) and the [Gunditjmara determination](#) for more details.

- [Table of Determinations as per the National Native Title Register that include Sea within Area Determined \[PDF 62Kb\]](#) - This table includes the name, number status, and seaward extent of each determination by jurisdiction. The map is updated quarterly; it reflects applications and determinations to the most recent quarter.

6. Registered Native Title Bodies Corporate

- [Overview](#)
- [RNTBC Toolkits](#)
- [Map](#)

Overview

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.

The Native Title Research Unit (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 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 Victorian RNTBC Toolkit is available here [[PDF 165Kb](#)].

Table 1.3 Registered Native Title Bodies Corporate in Victoria

RNTBC NAME (ORIC Hyperlink)	TYPE OF RNTBC (ATNS Hyperlink)	DETERMINATION DATE	DETERMINATION SHORT NAME (NNTT Hyperlink)
GunaiKurnai Land & Waters Aboriginal Corporation RNTBC	Trustee	25/10/2010	Gunai/Kurnai People
Gunditj Mirring Traditional Owners Aboriginal Corporation	Trustee	30/03/2007	Gunditjmarra
Barengi Gadjin Land Council Aboriginal Corporation	Trustee	13/12/2005	Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 1

(Sources: <http://www.oric.gov.au/>, <http://www.atns.net.au/>, <http://www.nntt.gov.au/Applications-And-Determinations/Search-Determinations/Pages/Search.aspx>)

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 kilometres in which PBCs are yet to be established. It is provided by the NNTT.

7. Indigenous Land Use Agreements

- [Overview](#)
- [Expired ILUAs](#)
- [ILUAs: Maps and Tables](#)
- [Registered ILUAs including Sea Areas](#)

Overview

As at 31 December 2010, there were 36 registered ILUAs in Victoria. Of these, 34 are **Area Agreements (AA)** and 2 are **Body Corporate Agreement (BCA)**. The summary table below provides links to ILUAs information on the **Agreements, Treaties and Negotiated Settlements (ATNS)** website and the **National Native Title Tribunal (NNTT)** website.

Table 1.4 Registered Indigenous Land Use Agreements in Victoria

NAME (ATNS Hyperlink)	NNTT FILE NO. (NNTT Hyperlink)	TYPE	DATE	SUBJECT	MAP OF ILUA
Mining License 5503 (Dja Dja Wurrung Peoples and Stephen P. Glasson and Russell L. Sanderson) ILUA	VI2009/007	AA	27/05/2010	Mining	PDF
Gunditj Mirring Non-Extinguishment Principle ILUA	VI2010/001	BCA	30/03/2010	Government	PDF
Small Scale Regional Mining ILUA (Dja Dja Wurrung and PMAV)	VI2008/006	AA	22/02/2010	Mining; Exploration	PDF
Gunai/Kurnai - Morning Star Regional Exploration and Mining ILUA	VI2007/005	AA	27/06/2008	Exploration; Mining	PDF
Chum Street Car Park Project	VI2007/002	AA	14/05/2008	Development	PDF
Gunditj Mirring and State of Victoria	VI2006/004	BCA	31/10/2007	Government	PDF
Kralcopic and Dja Dja Wurrung Mining License 5446	VI2005/013	AA	07/09/2007	Mining	PDF
Porepukah Crown Land	VI2005/002	AA	19/06/2007	Development	PDF
Gournditch Mara and Essential Petroleum Resources Ltd	VI2005/006	AA	30/01/2007	Petroleum/Gas	PDF
Wedderburn Mining	VI2004/006	AA	08/11/2006	Mining	PDF
Victorian Mining Licence 5433	VI2005/009	AA	08/11/2006	Mining	PDF
Victorian Mining Licences 5414 & 5415	VI2005/014	AA	08/11/2006	Mining	PDF
Gournditch Mara & Lynch Mining - Victorian Exploration Licences 4368 & 4369	VI2005/012	AA	06/10/2006	Mining	PDF
Mortlake Power Station Project Gas Pipeline	VI2005/016	AA	27/09/2006	Pipeline	PDF
Taungurung - Mt Conqueror Minerals Regional Exploration and Mining ILUA	VI2004/004	AA	05/05/2006	Mining	PDF
Creswick Golf Course Redevelopment	VI2005/007	AA	05/05/2006	Development	PDF
Low Impact Exploration and Exploration, Dja Dja Wurrung	VI2004/005	AA	05/05/2006	Mining	PDF
Low Impact Exploration and Exploration - Wamba Wamba, Barapa Barapa, & Wadi Wadi Peoples	VI2004/010	AA	05/05/2006	Mining	PDF

Victorian Mining Licence 4872	VI2005/003	AA	28/02/2006	Mining	PDF
Victorian Mining Licence 5435 Dja Dja Wurrung	VI2005/004	AA	23/12/2005	Mining	PDF
Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk	VI2004/008	AA	11/11/2005	Co-Management Consultation Protocol Extinguishment	PDF
Mildura Marina	VI2005/001	AA	06/10/2005	Development	PDF
Terra Firma Quarries	VI2004/003	AA	20/06/2005	Mining	PDF
Victorian Exploration Licence 4503	VI2004/009	AA	22/02/2005	Mining	PDF
Victoria Mining Licence 5333	VI2004/007	AA	12/01/2005	Mining	PDF
Lara to Birregurra Pipeline	VI2001/007	AA	08/04/2004	Pipeline	PDF
ML5285	VI2002/005	AA	14/03/2003	Mining	PDF
ML5330	VI2002/004	AA	14/03/2003	Mining	PDF
ML5337	VI2002/003	AA	25/03/2003	Mining	PDF
Carapooee West Dam	VI02/2	AA	24/09/2002	Development	PDF
Birregurra – Paaratte Pipeline	VI01/2	AA	25/01/2002	Pipeline	PDF
Blairgowrie	VIA2000/004	AA	21/12/2001	Development	PDF
Dunolly Vineyard	VIA2001/001	AA	17/08/2001	Development	PDF
Bryant	VIA2000/003	AA	28/03/2001	Extinguishment; Infrastructure	PDF
Birchip Hospital	VIA2000/002	AA	28/03/2001	Extinguishment; Infrastructure	PDF
BHPP - Menerva	VIA1999/001	AA	18/11/1999	Pipeline	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 [NNTT Registered ILUAs by State or Territory webpage](#) of 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 document \[PDF 566Kb\]](#) which provides links to ILUA information.

Expired ILUAs

In 2010, 1 Victorian ILUA was taken off the NNTT ILUA Register. See Expired ILUA Table (Table 1.5) below for further details.

Table 1.5 Expired ILUAs in Victoria

NNTT FILE NO.	NAME	DATE	TYPE	SUBJECT MATTER	NNTT COMMENT
VI2009/004	Mining Licence 5413 (Dja Dja Wurrung and Paul Simmonds & Brian Williams) ILUA	12/01/2010	AA	Mining	Agreement expired; removed from ILUA Register 7 May 2010

ILUA Maps and Tables

- [NNTT Indigenous Land Use Agreements Map \[PDF 950 Kb\]](#) - This national 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. For maps of individual ILUAs within Victoria see the PDF links in Table 1.5 above.
- [NNTT Indigenous Land Use Agreements Table \[PDF 75 Kb\]](#) - This table complements the above map; it contains the name, tribunal number and agreement type of all registered ILUAs. The table is updated quarterly.

- [NNTT Table of Registered and 'In Notification' ILUAs \[PDF 19KB\]](#) – This table provided by the NNTT provides information about ILUAs that are in the process of being registered or 'in notification'. The table is updated quarterly.

Registered ILUAs including Sea Areas

As of 31 December 2010, 4 of the registered ILUAs includes sea areas in Victoria. The summary table below provides links to the [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website and the [National Native Title Tribunal \(NNTT\)](#) website.

Table 1.6 Registered Indigenous Land Use Agreements including Sea Areas in Victoria

NAME (ATNS Hyperlink)	NNTT FILE NO. (NNTT Hyperlink)	TYPE	DATE	SUBJECT MATTER
Gunditj Mirring Non-Extinguishment Principle ILUA	VI2010/001	BCA	30/03/2010	Government
Gunditj Mirring and State of Victoria	VI2006/004	BCA	31/10/2007	Government
Blairgowrie	VIA2000/004	AA	21/12/2001	Development
BHPP - Menerva	VIA1999/001	AA	18/11/1999	Pipeline

(Sources: <http://www.atns.net.au/> and http://www.nntt.gov.au/Publications-And-Research/Maps-and-Spatial-Reports/Documents/Quarterly%20Maps/Sea_ILUAs_map.pdf)

[NNTT Map: ILUAs including Sea Areas \[PDF 500Kb\]](#) - This map provided by the NNTT depicts the areas in which ILUAs include sea areas. It is updated quarterly.

8. Future Acts

- [Overview](#)
- [Future Act Determination Applications](#)
- [Future Act Expedited Procedure Objections](#)
- [Future Act Determinations](#)
- [Future Act Agreements](#)

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. To assist resource companies and Indigenous communities with future act negotiations, the Victorian Government, the Victorian Minerals & Energy Council (VMEC) and Native Title Services Victoria (NTSV - formerly Mirimbiak Nations Aboriginal Corporation) jointly developed nine pro forma templates. These templates were finalised in December 2003 and released for use on 21 April 2004. Table 1.8 below provides a summary of Victorian future act applications and determinations as at 31 December 2010.

Table 1.7: Summary of Victorian Future Act Applications and Northern Territory Future Act Determinations

Application/Determination Type	NO.
Future Act Determination Applications	0
Future Act Expedited Procedure Object Applications	0
Total Victorian Future Act Applications	9
Total Victorian Future Act Determinations	12

(Source: <http://www.nntt.gov.au/Future-Acts/Search-FA-Applications/Pages/Search.aspx>, <http://www.nntt.gov.au/Future-Acts/Search-FA-Determinations/Pages/search.aspx>)

Future Act Determination Applications

As at 31 December 2010, 9 future act determination applications had been lodged in Victoria. Use the search [Future Act Applications](#) webpage on the [National Native Title Tribunal](#) website for more information.

Future Act Expedited Procedure Objection Applications

As at 31 December 2010, 0 future act expedited procedure objections had been lodged in Victoria. Use the search [Future Act Applications](#) webpage on the [National Native Title Tribunal](#) website for more information.

Future Act Determinations

As at 31 December 2010, a search of future act determinations on the [National Native Title Tribunal \(NNTT\)](#) website returns 12 results for Victoria (this refers to the number of records found, not the number of determinations made as multiple determinations may be included in a single record). To conduct a search of future act determinations refer to the [NNTT Future Acts Determinations Search](#) webpage at the [National Native Title Tribunal \(NNTT\)](#) website.

Future Act Agreements

As at 31 December 2010, the [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website has information on 10 future act agreements in Victoria (excluding Indigenous land use agreements). This list currently appears out of date as it shows the list agreement taking place in 2004.

9. Land Rights

- [Overview](#)
- [Legislation](#)
- [Indigenous owned or controlled land in Victoria](#)

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)A) was made under the Commonwealth's races and acquisitions powers in the Constitution (ss. 51 (xxvi) and 51 (xxxii)). [Aboriginal Affairs Victoria](#) within the [Department of Planning and Community Development](#) administers the Victorian Acts, while the Commonwealth legislation is administered by the [Department of Families, Housing, Community Services and Indigenous Affairs](#).

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. The issue of a Crown grant to the Aboriginal Trusts under the Act is made notwithstanding anything to the contrary in the *Land Act 1958*; otherwise there is no restriction on the application of the laws of Victoria and any relevant laws of the Commonwealth. Land that had been reserved for the use of Aboriginal people at Framlingham and Lake Tyers has been vested in fee simple in the Framlingham Aboriginal Trust and the Lake Tyers Aboriginal Trust respectively as of 24 July 1971.

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)A) reproduces the preamble to an earlier Victorian Government Bill, which acknowledged the prior ownership of the land by the Kerrup-Jmara and Kirrae Whurrong tribes 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 in the Act is, however, subject to a condition that the Commonwealth does not acknowledge the matters acknowledged by the Victorian Government. However, any relevant laws of the Commonwealth and the laws of Victoria apply unless expressly varied under the AL(LCFF)A.

Freehold title is vested in the Kerrup-Jmara Elders Aboriginal Corporation at Lake Condah and the Kirrae Whurrong Aboriginal Corporation at Framlingham Forest. The AL(LCFF)A establishes corporations, which have full management, control and enjoyment of the land granted to them. The corporations make by-laws with respect to certain matters, including: the management, access, conservation, fire protection, development and use of the land. As of 1 July 1987, the 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).

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 Incorporated. 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 Coranderk 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)* authorised the grant of a specific area of land near the township of Robinvale in the north west of the State, to the Murray Valley Aboriginal Cooperative Limited. Under the AL(ML)A the land is granted in fee simple, subject to the proviso that the land be used for Aboriginal cultural purposes and that it must not include any term or provision that purports to exclude, modify or restrict the operation of the *Mineral Resources Development Act 1990*, the *Petroleum Act 1958* or the *Extractive Industries Development Act*.

Traditional Owner Settlement Act 2010 (Vic)

The *Traditional Owner Settlement Act 2010 (Vic)* legislation authorises the responsible Minister (the Victorian Attorney-General) to enter into a 'Recognition and Settlement Agreement' (RSA) with a traditional owner corporation. The traditional owner corporation is a corporation appointed by a traditional owner group.

A 'Recognition and Settlement Agreement' is composed of a number of sub-agreements including:

- a land transfer agreement;
- a traditional owner land management agreement;
- a land use activity agreement;
- a natural resource agreement;
- a funding agreement; and
- an Indigenous land use agreement (ILUA).

The land transfer component of the Act is particularly significant for Victorian traditional owners who have been seeking more appropriate measures to resolve land justice for many years.¹ Under the Act, a traditional owner corporation can receive a grant of freehold, with or without conditions. The Act also authorises the grant of freehold land in the form of 'Aboriginal title' with the condition of joint management.

Aboriginal title is a new form of freehold tenure for Victoria. It will be granted only for areas that are jointly managed and will be subject to restrictions that ensure it will be used for joint management, and not dealt with by a traditional owner corporation or the State in a way inconsistent with joint management. The grant of Aboriginal title will be the source of the State's right to use and manage land that is jointly managed. Examples of the land that could be transferred under this provision are national parks and state forests that are identified and agreed by the State and a traditional owner group.

Other components:

An alternative future act regime is created through the land use activity agreement provisions. These provisions create the machinery for the classification of activities in the way envisaged by the Framework Report – routine, advisory, negotiation (category A or B) and agreement. In this way, the current thirteen categories in the future act provisions of the Native Title Act 1993 (Cth) (NTA) are reduced to just four.²

Natural resource agreements will provide for the exercise of non-commercial, non-exclusive statutory rights for members of a traditional owner group with a RSA. The Act will permit the Governor in Council to make a number of natural resource 'authorisations' (whether for taking flora and fauna, water, camping etc). The authorisations will give effect to the natural resources agreements. The Act will not create a right to use natural resources independently of an authorisation.

This two stage process is more complex than that recommended by the Framework Report, which stated that every traditional owner group with an individual Framework agreement should have access to non-commercial, communal rights to use Crown land resources. This is similar to the rights held by native title holders with a non-exclusive determination of native title. Further policy development on this issue will occur in 2011, and we expect that the State will simplify the provisions.

¹ See <http://www.landjustice.com.au/>

² For further information on this component of the Act, see NTSV's information paper available at <http://www.nts.com.au/document/TOSB-information-paper-3Sept10-final.pdf>

Indigenous owned or controlled land in Victoria

The *Overcoming Indigenous Disadvantage: Key Indicators 2009* 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 1.8) is an extract from this Report (Table 8A.2.1).

Table 1.8 Indigenous owned or controlled land in Victoria (December 2008)

LAND TENURE INFORMATION	UNIT	TOTAL
Area of land by Tenure Type		
Freehold (inalienable)	KM ²	50.1
Freehold (alienable)	KM ²	56.3
Leasehold	KM ²	-
License	KM ²	-
Aboriginal Reserve	KM ²	-
Tenure Not Stated	KM ²	7.6
Total Indigenous Land	KM ²	113.9
Total Land Area of Victoria	KM ²	227,416.0
Indigenous Land as a Proportion of Total Land Area	%	0.1
Number of Indigenous Land Parcels^a	Number	476

(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

At **31 December 2010** the Indigenous Land Corporation (ILC) had purchased **31 properties** within Victoria, covering a total area of **4820.90 hectares**. For further information refer to the [Victorian Regional Indigenous Land Strategy 2007-2012 \[PDF 1.28Mb\]](#) or the Indigenous Land Corporation website. Table 1.9 below lists the Indigenous Land Corporation land purchases in Victoria. For the most up to date information see the [ILC Land Purchases Victoria](#) website.

Table 1.9: ILC Land Purchases Victoria

Property	Area (ha)	Date Granted	Title Holding Body
Tyntynder	73.390	01/06/00	Wanilu Homestead Inc
Boona	325.970	21/11/97	Kirrae Whurrong Community Inc. (Vic. Office)
Windarra	65.352	17/04/98	Gippsland & East Gippsland Aboriginal Co-operative
Mt William Axe Quarry	7.510	29/03/11	Wurundjeri Tribe and Land Compensation and Cultural Heritage Council Inc
Moore Street Allotments	0.328	14/11/98	Murray Valley Aboriginal Co-operative Ltd
Coranderrk Homestead	81.262	24/03/99	Wandoon Estate Aboriginal Corporation
Carisbrook	173.376	14/09/99	Ballarat and District Aboriginal Co-operative
Tol Tol	16.175		Indigenous Land Corporation
Sunbury Earthen Rings	9.078	29/03/11	Wurundjeri Tribe and Land Compensation and Cultural Heritage Council Inc
Speewa Rd	12.459	29/11/10	Speewa Enterprises Aboriginal Corporation
Redbanks 2	8.657	17/07/99	Jaara AC
Toorum Stones	36.278	12/11/99	Kirrae Whurrong Community Inc. (Vic. Office)
Lenahans	169.171	08/11/99	Munjala Aboriginal Corporation Ltd
McLeods	19.912	08/11/99	Munjala Aboriginal Corporation Ltd
Doltons	18.814	08/11/99	Munjala Aboriginal Corporation Ltd
Springfield Gorge	40.437	23/02/00	Wandoon Estate Aboriginal Corporation
Boundary Bend	97.590		Indigenous Land Corporation
Yeilima	258.657	20/10/00	Yorta Yorta Nations Aboriginal Corporation Inc
Kooreelah	1050.050		Indigenous Land Corporation
Wurdi Youang	368.894	17/08/06	Wathaurong Aboriginal Co-operative
Boole Poole	22.058	18/12/01	Gippsland & East Gippsland Aboriginal Co-operative
Martang	378.981	21/12/01	Martang Pty Ltd
Fords Road	220.000	25/03/09	Kerrooleet Aboriginal Corporation
Falbala Farm	252.084		Indigenous Land Corporation
Kerang Allotments	0.100	12/01/10	Mildura Aboriginal Corporation Incorporated
Barongarook Farm	118.027		Indigenous Land Corporation



Kurtonitj	42.015	01/09/09	Gunditj Mirring Traditional Owners Aboriginal Corporation
Lake Condah Parcels - Wilsons	310.411	01/09/09	Gunditj Mirring Traditional Owners Aboriginal Corporation
Peters Property	132.723	15/05/10	Gunditj Mirring Traditional Owners Aboriginal Corporation
Lake Gorrie	503.000	15/05/10	Gunditj Mirring Traditional Owners Aboriginal Corporation
Verney Rd	8.139	09/02/10	Rumbalara Aboriginal Cooperative Ltd

Source: <http://www.ilc.gov.au/site/page.cfm?u=206>

ILC Land Acquisitions Map

[Victoria ILC Land Acquisitions \(August 2010\) \[PDF 244 Kb\]](#) – This map provides details of the land acquisitions in Victoria as at August 2010. The map highlights ILC owned and ILC granted land.

11. Indigenous Protected Areas

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

Indigenous Protected Areas

As at **31 December 2011** there were **4** Indigenous Protected Areas within Victoria. The table below provides links to IPA information on the [Department of Environment & Water Resources: Indigenous Protected Areas Program website](#).

Table 2.0 Indigenous Protected Areas in Victoria

Property	Area (ha)	Date Granted
Deen Maar	12/07/1999	427
Kurtonitj	25/11/2009	367
Framlingham Forest	9/12/2009	1142
Lake Condah	7/04/2010	1715
	Total	3651

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

For further information refer to the [Department of Environment & Water Resources: Indigenous Protected Areas Program website](#).

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

- [Overview](#)
- [Further Information](#)

Overview

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 Victoria is calculated to be **4,932,422** of which **30,141** or **0.61%** of the population of the state is 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 Australian Indigenous population is **517,200** of a total Australian population of **20,697,880**, whereby Indigenous Australians make up **2.5%** of the total population. It is estimated that the total Victorian population is **5,126,540** of which **30,178** or **0.59%** 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 2.1) compares the calculated Australian Indigenous population in Victoria as at 8 August 2006 with the experimental estimated resident population as at 30 June 2006.

Table 2.1 Victorian 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	27,068	2,218	855	30,141	4,932,422	0.61
ERP, 30 June 2006	30,178	2,421	918	33,517	5,125,540	0.59

(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: Victorian Indigenous geographic classification \(Table 13-4\) \[PDF 6.4kB\]](#)
- [2006 Census Community Profile Series: Victoria: Indigenous Profile \[excel 201kB\]](#)
- The ABS also provides further information by dividing Victoria into Statistical Subdivision (by geographical location). See the [2006 Census Community Profile Series Victorian 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	http://www.ag.gov.au/
Australasian Legal Information Institute	http://www.austlii.edu.au/
Victorian Traditional Owner Land Justice Group	http://www.landjustice.com.au/
Victorian Department of Justice	http://www.justice.vic.gov.au
AIATSIS – NTRU	http://www.aiatsis.gov.au/ntru/

2. Native Title Policy & Procedures

NAME	SOURCE
Australasian Legal Information Institute	http://www.austlii.edu.au/
AIATSIS – NTRU	http://www.aiatsis.gov.au/ntru/
Attorney-General's Department	http://www.ag.gov.au/
Victorian Department of Justice	http://www.justice.vic.gov.au
Native Title Services Victoria	http://www.ntsiv.com.au
Department of Sustainability and Environment	http://www.dse.vic.gov.au/
Department of Primary Industries	http://www.dse.vic.gov.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/
NTRB.net	https://www.ntrb.net/
Native Title Services Victoria	http://www.nts.com.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/
AIATSIS – NTRU	http://www.aiatsis.gov.au/ntru/
National Native Title Tribunal (NNTT)	http://www.nntt.gov.au/

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

9. Land Rights

NAME	SOURCE
Allens Arthur Robinson	http://www.aar.com.au/
Australasian Legal Information Institute (Austlii)	http://www.austlii.edu.au/
Australian Productivity Commission	http://www.pc.gov.au/
Victorian Traditional Owner Land Justice Group	http://www.landjustice.com.au/
Department of Planning and Community Development	http://www.dpcd.vic.gov.au/
Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)	http://www.fahcsia.gov.au/

10. Land Acquisitions & Management

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

11. Indigenous Protected Areas

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

13. Population Profile

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