

## Barengi Gadjin Land Council Aboriginal Corporation

### OVERVIEW

The Barengi Gadjin Land Council Aboriginal Corporation (BGLCAC) administers land on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people of the Wimmera in Western Victoria. Their ownership was recognised by the *Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 1* determination of March 2005.

This determination arose from three separate native title claims made between 1995 and 1999. These different claims were negotiated and settled between all 400 hundred parties. All parties agreed to recognise native title by:

- formally allocating the traditional owners an advisory role in the management of some national parks and reserved land; and
- transferring three parcels of culturally significant land.

This enables the native title holders to have their rights recognised on land tenures that 'extinguish' native title.

This agreement acknowledges that the traditional owner native title rights are based in their traditional law and customs. Those customs include following the teachings of Bunjil, as Uncle Jack Kennedy has said "if we follow Bunjil's law and look after the country then the country will look after us" (at para 8, [2005] FCA 1795).

This agreement was approved and affirmed by the Federal Court in March 2005. While making the determination, Justice Merkel acknowledged the "severe and extensive dispossession, degradation and devastation" Aboriginal people in the Wimmera had suffered due to the 19<sup>th</sup> century declaration of British sovereignty over their land and waters. This was the first time the Federal Court recognised native title in Victoria.

In addition to this determination, the BGLCAC also administers an Indigenous Land Use Agreement made between the state of Victoria, the Commonwealth, the traditional owners and itself. This agreement provides for an Indigenous contribution to land management in parts of the claim area.

### RNTBC PROFILE

NAME OF RNTBC <a href="#">ORIC HYPERLINK</a>	<a href="#">BARENGI GADJIN LAND COUNCIL ABORIGINAL CORPORATION</a>
TYPE OF RNTBC <a href="#">ATNS HYPERLINK</a>	<a href="#">TRUSTEE</a>
STATE/TERRITORY	VIC
MAP <a href="#">NNTT HYPERLINK</a>	<a href="http://www.nntt.gov.au/Publications-And-Research/Maps-and-Spatial-Reports/Documents/Quarterly%20Maps/Determinations_PBCs_A4.pdf">http://www.nntt.gov.au/Publications-And-Research/Maps-and-Spatial-Reports/Documents/Quarterly%20Maps/Determinations_PBCs_A4.pdf</a>
CONTACT DETAILS <a href="#">ORIC HYPERLINK</a>	<a href="http://www.orac.gov.au/Search.aspx?Search=Barengi+Gadjin+Land+Council+Aboriginal+Corporation&amp;Type=Name">http://www.orac.gov.au/Search.aspx?Search=Barengi+Gadjin+Land+Council+Aboriginal+Corporation&amp;Type=Name</a>

### RNTBC ADMINISTRATION

INDIGENOUS CORPORATION NUMBER	4395
DATE OF INCORPORATION	16/03/2005
CERTIFICATE OF INCORPORATION <a href="#">ORIC HYPERLINK</a>	<a href="http://www.orac.gov.au/document.aspx?concernID=104395">http://www.orac.gov.au/document.aspx?concernID=104395</a>

CORPORATION OBJECTS & RULES <a href="#">ORIC HYPERLINK</a>	<a href="http://www.orac.gov.au/document.aspx?concernID=104395">http://www.orac.gov.au/document.aspx?concernID=104395</a>
LIST & NAMES OF MEMBERS <a href="#">ORIC HYPERLINK</a>	<a href="http://www.orac.gov.au/document.aspx?concernID=104395">http://www.orac.gov.au/document.aspx?concernID=104395</a>

### NATIVE TITLE DETERMINATION INFORMATION

NNTT SHORT NAME <a href="#">NNTT HYPERLINK</a>	<a href="#">WOTJOBALUK, JAADWA, JADAWADJALI, WERGAIA AND JUPAGULK PEOPLES NO. 1</a>
CASE LAW <a href="#">AUSTLII HYPERLINK</a>	<a href="#">Clarke on behalf of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria [2005] FCA 1795</a>
DATE OF DETERMINATION	13/12/2005
TYPE OF DETERMINATION <a href="#">ATNS HYPERLINK</a>	<a href="#">CONSENT DETERMINATION</a>
DETERMINATION OUTCOME	NATIVE TITLE EXISTS IN PARTS OF THE DETERMINATION AREA
TRIBUNAL FILE NO	VC95/2
FEDERAL COURT FILE NO	VID6002/1998
NATIVE TITLE RIGHTS AND INTERESTS <sup>1</sup>	<p>The native title rights and interests are held in trust by the BGLCAC on behalf of the Wotjobaluk People as the common law holders.</p> <p>Subject to Orders 8 and 9, the nature and extent of the native title rights and interests held by the Wotjobaluk People in Determination Area A are the non-exclusive rights to hunt, fish, gather and camp for personal, domestic and non-commercial communal needs.</p> <p>The nature and extent of other rights and interests in relation to Determination Area A are those set out in Part 1 of Schedule 7 and those described by Crown allotment reference in Part 2 of Schedule 7.</p> <p>The relationship between the native title rights and interests and the other rights and interests is that the other rights and interests, and any activity done in exercise of a right conferred or held under the other rights or interests, prevail over the native title rights and interests and any exercise of those native title rights and interests, but do not extinguish them.</p>
AREA OF LAND	398.1 SqKm
GENERAL LOCATION OF DETERMINATION AREA	VARIOUS LOTS WITHIN THE WIMMERA REGION, WESTERN VICTORIA
NTRB REGION <a href="#">NTRB HYPERLINK</a>	<a href="#">NATIVE TITLE SERVICES VICTORIA</a>

<sup>1</sup> These native title rights and interests are subject to the laws of the Commonwealth and the State of Victoria. They may also be subject to particular interests specified in the determination.

## AGREEMENTS

AGREEMENT NAME <a href="#">HYPERLINK TO AGREEMENT INFORMATION ON ATNS WEBSITE</a>	NNTT FILE NO. <a href="#">HYPERLINK TO ILUA AGREEMENT SUMMARY ON NNTT WEBSITE</a>	TYPE OF AGREEMENT	SUBJECT MATTER (NNTT)	SUBJECT MATTER (ATNS) <a href="#">HYPERLINK TO SUBJECT MATTER INFORMATION ON ATNS WEBSITE</a>
<a href="#">WOTJOBALUK, JAADWA, JADAWADJALI WERGAIA AND JUPAGULK INDIGENOUS LAND USE AGREEMENT (ILUA)</a>	<a href="#">VI2004/008</a>	AREA AGREEMENT	CO-MANAGEMENT CONSULTATION PROTOCOL EXTINGUISHMENT	<a href="#">Land Use</a>   <a href="#">Native Title</a>   <a href="#">Future Act</a>   <a href="#">Native Title - Extinguishment</a>   <a href="#">Land Management</a>   <a href="#">Consultation</a>   <a href="#">Land Transaction</a>

## ADDITIONAL ELECTRONIC RESOURCES

Media releases	National Native Title Tribunal, <i>Wimmera native title consent determinations a first for Victoria</i> (13/12/2005) <a href="http://www.nntt.gov.au/News-and-Communications/Media-Releases/Pages/Wimmera_native_title_consent_determinati.aspx">http://www.nntt.gov.au/News-and-Communications/Media-Releases/Pages/Wimmera_native_title_consent_determinati.aspx</a>
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