

BREAKING NEWS

First recognition of native title in Victoria

On 13 December the Federal Court recognised native title in the Wimmera region of Victoria through a consent determination of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk claims. This is the first positive determination of native title to have been made in Victoria. The decision comes after the Federal and High Courts' decision that the Yorta Yorta people did not hold native title and offers hope for a positive determination of native title to traditional owners in the rest of Victoria and other parts of densely populated Australia. The Federal Court's determination was made with the consent of all stakeholders, including the State and Commonwealth Governments, farmers, recreational users and other respondents. The decision settled three native title claims that had been lodged over 9,642 sq km in the Wimmera region between 1995 and 1999. Over 400 parties agreed to the determinations and an agreement package that delivers benefits to the native title holders. The Court also recognised the claimants' non-exclusive native title rights to hunt, fish, gather and camp in the Crown reserves that total 269 sq km along the banks of the Wimmera River. Native title will not be recognised over the remainder of the claim areas. However, due to the agreement package, the native title holders will have other rights and benefits in these remaining areas. See our [Feature](#) for a discussion of the decision by the claims' instructing solicitor, Katie O'Bryan of Native Title Services Victoria.



Left - Right: Suzie Skurrie, Aunty Hazel McDonald, Aunty Irene Harrison, Justice Merkel, Aunty (Professor) Eleanor Bourke, Kaylene Clarke and Uncle Peter Murtikos

Native Title System Reforms

Time is running out to lodge submissions regarding the proposed reforms to the native title system. Visit the Attorney-General's website at www.ag.gov.au/nativetitlesystemreform for current information regarding:

- The release of a discussion paper about proposals for technical amendments to the Native Title Act 1993 (22 November) - the discussion paper is available at <http://www.ag.gov.au/nativetitlesystemreform> or by contacting the Attorney-General's Department Native Title Unit on (02) 6250 5552. Responses are requested by 31 January 2006.
- The release of a consultation draft of proposed guidelines for the Native Title Respondents' Financial Assistance Scheme to strengthen the focus of the scheme on agreement-making over litigation (23 November) - the consultation draft is available at <http://www.ag.gov.au/nativetitlesystemreform> and submissions are requested before 10 February 2006.
- On 23 November Minister Vanstone announced proposed reforms to Native Title Representative Bodies - further information is available at <http://www.oipc.gov.au>

As part of the reforms, the Australian Government is currently undertaking targeted consultations with a range of stakeholders about native title Prescribed Bodies Corporate (PBCs). Interested stakeholders can contact the Attorney-General's Department Native Title Unit on (02) 6250 5552 or native.title@ag.gov.au or <mailto:native.title@ag.gov.au> for more information.

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