



Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: VID630/2015
NNTT number: VC2015/001

Application name: First Peoples of the Millewa-Mallee Claim v State of Victoria (First Peoples of the Millewa-Mallee Claim)

Registration History: Registered from 13/05/2016

Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

Application filed with: Federal Court of Australia

Date application filed: 08/10/2015

Date claim entered on Register: 13/05/2016

Additional Information: Not Applicable

APPLICANT:

Person/s authorised as applicant: Rex Harradine (Deceased), Janine Wilson, Norm Wilson (Snr), Darren Perry

Address for service: First Nations Legal & Research Services
12-14 Leveson Street
North Melbourne
VIC 3051
Phone: 03 9321 5300

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

a) the area covered by the application

The area covered by the application (claim area), is all the parcels of land and waters which are within the area described in Attachment B and shown in the map attached at Attachment C (claim region) and subject to clause (b).

b) areas within those boundaries that are not covered by the application

The following areas within the claim region referred to are not covered by the application, except where any extinguishment by the acts mentioned is required by sections 47A or 47B of the Native Title Act to be disregarded:

2. any area that, when the application is made, is subject to any of the following kinds of acts as they are defined in either the Native Title Act 1993, as amended (where the act in question is attributable to the Commonwealth), or Land Titles Validation Act 1994 (Vic), as amended, (where the act in question is attributable to the State of Victoria):

- a. Category A past acts;
- b. Category A intermediate period acts;
- c. Category B past acts that are wholly inconsistent with the continued existence of any native title rights or interests;
- d. Category B intermediate period acts that are wholly inconsistent with the continued existence of any native title

rights or interests.

3. Any area in relation to which a previous exclusive possession act under section 13H or 13I of the Land Titles Validation Act 1994 (Vic) was done and that act is attributable to the State of Victoria.

4. Any area in relation to which a previous exclusive possession act as defined by section 23B (including section 23B (7)) of the Native Title Act was done in relation to the area and the act was attributable to the Commonwealth; and

5. Any area where native title rights and interests have otherwise been wholly extinguished; specifically, any area where there has been:

- a. an unqualified grant of an estate in fee simple;
- b. a public work as defined in section 253 of the Native Title Act;
- c. an existing dedicated public road.

6. The application area specifically excludes all the land and waters the subject of:

Native Title Determinations:

- a. VCD2005/002 Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 2 as determined 13th December 2005.
- b. VCD2005/001 Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 1 as determined 13th December 2005.
- c. VCD2005/003 Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 3 as determined 13th December 2005.

Indigenous Land Use Agreement:

- d. VI2004/008 Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk as registered 11 November 2005.

The application area covers all the land and waters within the external boundary described as:

Commencing at the northern junction of the South Australian and Victorian borders, and continuing generally south easterly along the Victorian border to its junction with the New South Wales border; then generally easterly and generally south easterly along the Victoria / New South Wales border to Latitude 34.421167° South; then westerly to a point on the centreline of an unnamed track at Longitude 142.350929° East, Latitude 34.421150° East; then westerly along the centreline of that track to Barko Road; then southerly along the centreline of that road to Hards Road (Bullock Swamp Road); then generally westerly; north westerly, again westerly and south westerly along the centreline of that road, Iraak Lake Road (around the southern portion of Lake Iraak) and Birkins Road to the Calder Highway north of Carwarp township; then generally south easterly along the centreline of the Calder Highway to an unnamed track in the locality of Hattah at approximate Latitude 34.760831° South; then generally south westerly along the centreline of that track across the Yelta Line railway to Camerons Road; then generally north westerly and westerly along the centreline of that road, Last Hope Track and Pheenys Track to the South Australian border; then generally northerly along the South Australian / Victorian border back to the commencement point.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The members of the native title claim group comprise the descendants of the apical ancestors John and Nelly Perry and Elizabeth Johnson.

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 13/05/2016

4. The customary rights and interests possessed under traditional laws and customs that are able to be and should be recognised by the common law of Australia being the (non-exclusive) rights to:

- (a) have access to, remain on and use the land and waters;
- (b) access and take the resources of the land and waters; and
- (c) protect places, areas and things of traditional significance on the land and waters.

7. The members of the native title claim group acknowledge that their native title rights and interests are subject to and exercisable in accordance with valid and current laws of the Commonwealth of Australia and the State of Victoria, including the common law.

8. "Resources" does not include such minerals, petroleum or gas, if any, as are, under the laws of the Commonwealth or the State of Victoria, including the common law, as at the date of this application, wholly owned by the Crown.

REGISTER ATTACHMENTS:

1. Attachment C Map of the claim area, 1 page - A4, 18/12/2020

Note: The Register of Native Title Claims may, in accordance with section 188 of the Native Title Act 1993 (Cth), contain confidential information that will not appear on the Extract.