



AIATSIS

AUSTRALIAN INSTITUTE OF ABORIGINAL  
AND TORRES STRAIT ISLANDER STUDIES

# Native Title Information Handbook

## Australian Capital Territory (including the Jervis Bay Territory)

2016



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## 1. Introduction

Native title is not a large part of the legal and policy landscape in the Australian Capital Territory. Aboriginal claims to land and waters are managed via the return of land or collaborative management processes. In December 2015, there were no active native title applications and there had been no determinations of native title in the Australian Capital Territory.

The [Office for Aboriginal and Torres Strait Islander Affairs](#) (OATSIA) provides strategic advice to the Chief Minister on issues affecting Aboriginal and Torres Strait Islander people living in the Australian Capital Territory. OATSIA also provides secretariat and administrative support to the Aboriginal and Torres Strait Islander Community Consultative Council and the [United Ngunnawal Elders Council](#).

## 2. Native title

Native title is the recognition in Australian law, under the [Native Title Act 1993 \(Cth\)](#) (NTA), that Aboriginal and Torres Strait Islander peoples had a system of law and ownership of their lands before European settlement. The historic High Court decision in [Mabo and Others v State of Queensland \(No 2\) \[1992\] HCA 23; \(1992\) 175 CLR 1](#) (*Mabo*) was the first recognition that native title continues to exist through the common law in Australia. The native title of a particular group is defined by the traditional laws and customs observed by that group of people.

[Section 223](#) of the NTA defines the native title rights and interests that are the subject of a determination of native title under [s 225](#) of the Act. In s 223(1), the term 'native title or native title rights and interests' means the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:

- the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and
- the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and
- the rights and interests are recognised by the common law of Australia.

The significance of the *Mabo* decision lies in the recognition that native title is a pre-existing right, inherent to Indigenous peoples by virtue of their distinct identity as first owners and occupiers of the land and their continuing systems of law. Native title is not a grant or right that is created by the Australian government nor is it dependent upon the government for its existence, although it is dependent on recognition by the common law in order to be enforceable in the Australian legal system. This

distinguishes native title from other legislative land rights systems that operate in Australia whereby the government grants the title. Native title may be recognised in places where Aboriginal and Torres Strait Islander people continue to follow their traditional laws and customs and have maintained a link with their traditional country. Native title in each instance is recognised as having its source in, and deriving its content from, the laws of Aboriginal and Torres Strait Islander people. The rights and interests that are recognised as native title may vary from group to group, from one area to another, and may differ depending on what is claimed and what might be negotiated between all of the parties with an interest in the area under claim. Native title rights may include the exclusive possession, use and occupation of traditional country or non-exclusive native title rights such as the right to access and camp or the right to hunt and fish on traditional country. Native title rights do not extend over minerals or petroleum.

The Mabo decision recognised Aboriginal and Torres Strait Islander peoples' rights over their land, and also recognised the system of laws from which those rights are derived. As a result of the Mabo decision and the subsequent enactment of the NTA Aboriginal and Torres Strait Islander people can apply to the Federal Court of Australia to have their native title rights recognised under Australian law. Native title may be recognised in relation to vacant Crown land, state forests, national parks, public reserves, pastoral leases, beaches, foreshores and waters, government or other public land and Indigenous held land (under land rights legislation).

For more information please refer to the [National Native Title Information Handbook](#).

### 3. Legislation

The [Native Title Act 1993 \(Cth\)](#) (NTA) is the Australian Government's legislative response to the High Court decision in [Mabo](#), which recognised Indigenous Australians' rights and interests in land and waters according to their own traditional laws and customs under [s 223](#). The NTA provides the legal principles for the recognition of native title, the processes involved in having native title recognised and the role and responsibilities of the different bodies involved in this process.

Since it was introduced the NTA has been the subject of numerous reviews and legislative amendments. The annual native title reports of the Aboriginal and Torres Strait Islander Social Justice Commissioner provide detailed information about these reviews, reform processes and related legislative amendments, see: [Native Title Reports](#) (1994-2012) and [Social Justice Reports](#) (2013-) on the [Australian Human Rights Commission](#) website for more information. A review of the NTA was undertaken in 2015 by the Australian Law Reform Commission, see below for an overview or read the full report [here](#). A brief overview is also provided below.

## Australian Capital Territory native title legislation

The Australian Capital Territory (ACT) enacted the [Native Title Act 1994 \(ACT\)](#) on 1 November 1994. The purpose of this Act is to validate past acts invalidated because of the existence of native title and to confirm existing rights to natural resources and access to waterways and public places. Unlike most other jurisdictions, the ACT has not introduced legislative amendments to validate intermediate period acts. This was not seen as necessary because of the nature of land tenure in the ACT (there are rural leases, but no pastoral leases).

The ACT Government has not enacted any legislation confirming extinguishment of native title by particular types of tenure. The [Native Title Act 1994 \(ACT\)](#) confirms Crown ownership of all natural resources, rights to use, control and regulate the flow of water and existing fishing access rights; as well as existing public access to and enjoyment of waterways, beds, banks and foreshores of waterways and areas that were public places as at 31 December 1993. The ACT Government has not enacted an [alternative 'right to negotiate' regime](#).

For information about legislation relating to Aboriginal cultural heritage and land rights see sections 10 and 11 below.

## 4. ACT Government agencies: policies and procedures

### Overview

This section provides an overview of ACT government agencies that have responsibilities for and involvement in native title and related matters including co-operative management agreements, cultural heritage and Indigenous natural resource management programs.

### Office for Aboriginal and Torres Strait Islander Affairs

The [Office for Aboriginal and Torres Strait Islander Affairs](#) (OATSIA) within the [Community Services Directorate](#) leads the ACT Government's approach to matters affecting Aboriginal and Torres Strait Islander residents in the ACT by providing advice to the Minister for Aboriginal and Torres Strait Islander Affairs. In 2002, the [United Ngunnawal Elders Council \(UNEC\)](#), comprising representatives from Ngunnawal family groups, was established to provide advice to the ACT Government in relation to heritage and connection to land matters for the Ngunnawal people. UNEC also provides advice to the ACT Aboriginal and Torres Strait Islander Elected Body (ATSIEB) in accordance with ss [8\(j\)](#) and [9](#) of the [Aboriginal and Torres Strait Islander Elected Body Act 2008 \(ACT\)](#), which was established under that Act.

The Office for Aboriginal and Torres Strait Islander Affairs provides secretariat support for UNEC and ATSIEB. See the [OATSIA](#) website for more information

## Environment and Planning Directorate

The ACT [Environment and Planning Directorate](#) is responsible for the development of policies and programs relating to environment protection, sustainability, conservation, heritage, urban design, planning and transport. Of particular relevance to native title is the Directorate's role in managing programs relating to [Aboriginal heritage](#) and [Indigenous natural resource management](#) involvement.

## Territory and Municipal Services Directorate (TAMS)

In addition to having responsibility for delivering general municipal services, the [Territory and Municipal Services Directorate](#) (TAMS) also looks after the ACT parks and reserves, including [Namadji National Park](#) which is the subject of an agreement between the ACT Government and one of the ACT native title groups.

The first native title applications in the ACT were lodged by Ngunnawal and Ngunawal people in 1996 and 1997. In 2001 the ACT Government entered into an agreement with the Ngunnawal People, offering to grant a special Aboriginal lease over Namadji National Park for 99 years, on the condition that all native title claims be either fully determined or withdrawn. The relevant native title claim was subsequently discontinued, and the parties agreed to implement interim arrangements for the involvement of Aboriginal people in the management of Namadji National Park until the commencement of the lease (see [Agreement between the Australian Capital Territory and ACT native title claim groups](#) on the [Agreements, Treaties and Negotiated Settlements](#) (ATNS) website). An interim Namadji Advisory Board was established and contributed to the development of the 2007 Draft Plan of Management. The interim Advisory Board ceased operating in 2006, however negotiations are ongoing. See the [Namadji National Park Plan of Management 2010 \(PDF 4.04MB\)](#) and the [TAMS](#) website for more information.

# 5. Native title representative body

## Overview

There is no native title representative body located within the Australian Capital Territory (ACT). However, the New South Wales native title service provider NTSCORP assists Aboriginal communities in the Australian Capital Territory with native title matters. See Table 1 below for NTSCORP contact details. For more information see the [NTSCORP](#) website.

## Map

The National Native Title Tribunal's (NNTT) [Representative Aboriginal/Torres Strait Islander body areas map \(PDF 663KB\)](#) shows the geographic areas covered by native title representative bodies (NTRBs) and native title service providers (often both commonly called NTRBs) across Australia.

**Table 1: NTSCORP contact details**

| Street address  | Postal address                              | Phone                             | Email  |
|---|---|-----------------------------------|--|
| Level 1<br>44-70 Rosehill Street<br>Redfern<br>NSW 2016 | PO Box 2105<br>Strawberry Hills<br>NSW 2012 | (02) 9310 3188 or<br>1800 111 844 | <a href="mailto:information@ntscorp.com.au">information@ntscorp.com.au</a> |

## 6. Native title applications

### Overview

As at 31 December 2015, six native title applications had been lodged within the ACT and Jervis Bay Territories, and there were no active native title applications, see Table 2 below. For up to date information about native title applications and registered native title claimant applications use the [Search applications and determinations](#) or [Search Register of native title claims](#) tools on the NNTT website.

**Table 2: Native title applications in the Australian Capital Territory and the Jervis Bay Territory**

| Territory  | Application Status | Claimant | Compensation | Non Claimant | Total |
|------------|--------------------|----------|--------------|--------------|-------|
| ACT        | Active             | 0        | 0            | 0            | 0     |
|            | Other              | 4        | 0            | 0            | 4     |
| Jervis Bay | Active             | 0        | 0            | 0            | 0     |
|            | Other              | 2        | 0            | 0            | 2     |

Source: <http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/default.aspx> at 31 December 2015

## Map

The NNTT's [New South Wales, Australian Capital Territory and Jervis Bay Territory native title applications and determination areas map \(PDF 4.6MB\)](#) shows claimant applications (as per the native title determinations applications (NTDA) schedule as lodged in the Federal Court) and native title claimant determinations (as per the national Native Title Register).



## 7. Native title determinations

### Overview

As at 31 December 2015, there had been no native title determinations within the Australian Capital Territory. For up to date information about native title determinations use the [Search applications and determinations](#) or [the Search national native title register](#) tools on the NNTT website. The [AIATSIS Native Title Research Unit](#) (NTRU) also provides information about native title determinations in its monthly '[What's New](#)' service.

### Map

See Map in section 5 above.

## 8. Registered native title bodies corporate

### Overview

Under ss 55-57 of the [Native Title Act 1993 \(Cth\)](#) (NTA) native title groups are required to nominate a Prescribed Body Corporate (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 (RNTBC).

In the Australian Capital Territory (ACT), as at 31 December 2015, there had been no determinations of native title and therefore there are no RNTBCs. For up to date information about native title claimant determinations and PBCs/RNTBCs use the [NNTT Search applications and determinations](#) tool on the NNTT website. The [NTRU](#) also provides information about PBC/RNTBCs in its monthly '[What's New](#)' service; its '[Registered Native Title Bodies Corporate Summary](#)' compiled from data provided by the NNTT; and on the [Native Title Corporations](#) website (see below).

### National determinations and PBC map

The NNTT's [Determinations and Native Title Prescribed Bodies Corporate Map \(PDF 1.1MB\)](#) shows determined areas covered by PBCs and also shows where PBCs are still to be nominated over determined areas. This document includes a table of the areas in each state/territory (in square kilometres) covered by native title determinations.

### Compliance regime for RNTBCs

The NTA and the [Native Title \(Prescribed Bodies Corporate\) Regulations 1999 \(Cth\)](#) (PBC Regulations) require corporations to register under the [Corporations](#)

[\(Aboriginal and Torres Strait Islander\) Act 2006 \(Cth\)](#) (CATSI Act) if they are determined by the Federal Court to hold and manage native title rights and interests. The [Office of the Registrar of Indigenous Corporations](#) (ORIC) supports and regulates corporations incorporated under the CATSI Act. ORIC provides advice on how to incorporate, training for corporation members and office holders and corporate governance. For information about RNTBCs use the corporations search tool on the [ORIC](#) website.

## Native title corporations website

The NTRU manages the [Native Title Corporations](#) website, a resource for RNTBCs and for those engaging with them. It provides information about legislation and policies, events, resources and publications, training and running a RNTBC. Information about individual RNTBCs is provided in detailed [PBC profiles](#).

## 9. Future acts

### Overview

A [future act](#) is a proposed activity on land or waters that may affect native title rights and interests. [Section 227](#) of the NTA sets out that an act affects native title if it extinguishes the native title rights and interests or if it is otherwise wholly or partly inconsistent with their continued existence, enjoyment or exercise. Examples of future acts include the grant of a mining tenement, building public infrastructure, services or facilities and the compulsory acquisition of land. A future act is invalid to the extent it affects native title unless it complies with certain provisions in the NTA (see Subdivisions D-M of Division 3 of the [NTA](#)). These provisions include that a future act will be valid if parties to an ILUA consent to it being done and details of the agreement are on the NNTT's [Register of ILUAs](#).

The future act process provides registered native title applicants and native title holders with specified rights, known as [procedural rights](#), from the time a claim is registered. The type of procedural rights which the native title group can exercise will vary (from the right to comment, be consulted, object or negotiate) depending on the type of future act that is being proposed. Generally the [right to negotiate](#) applies to future acts such as mining, exploration, prospecting, gas and petroleum exploration or extraction.

The [NNTT](#) administers the future act processes that attract the right to negotiate and provides information and support on future act related questions. The NNTT's role includes mediating between parties, conducting inquiries and making future act determinations when parties cannot reach agreement. Where a proposed future act meets the criteria set out in [s 237](#) of the NTA, it may attract an [expedited procedure](#). This means that the act may be validly done without negotiations if there are no

objections to the act. For more information see the [future acts section](#) of the NNTT website.

### Future act applications and determinations

As at 31 December 2015, there have been no future act applications or future act determinations in the ACT.

### Future act agreements

A future act agreement is an agreement made under [s 31](#) of the NTA with native title parties about an activity that may affect native title. Once an agreement has been made the parties are required to lodge a copy of the agreement with the NNTT. In some cases parties may make agreement information public and information about (some of) these future act agreements are available on the ATNS website, see [Future act agreements \(Native Title Act\)](#).

## 10. Indigenous land use agreements

### Overview

As at 31 December 2015, no [Indigenous Land Use Agreements](#) (ILUAs) have been registered in the Australian Capital Territory.

For up to date ILUA information use the [Register of Indigenous land use agreements](#) search tool on the NNTT website. The [NTRU](#) also provides information about ILUAs in its monthly '[What's New](#)' service.

### ILUA map and table

The NNTT [Indigenous Land Use Agreements Map \(PDF 2.02MB\)](#) shows the external boundaries of registered ILUAs (area agreements and body corporate agreements) as well as ILUAs in notification but not yet registered. It also includes a summary table of the area and proportion of land covered by ILUAs in each jurisdiction.

## 11. Cultural heritage

### Overview

Aboriginal cultural heritage in the ACT is protected under the [Heritage Act 2004 \(ACT\)](#) (the Act). The Act applies to all heritage places and objects in the ACT, although the Act may not apply to the actions of Commonwealth agencies on National and Designated lands. In these instances, Commonwealth legislation applies and is administered by the National Capital Authority and Commonwealth

Government (see the [National Native Title Information Handbook](#)). The Act protects places and objects of heritage significance, and allows for the recognition, registration and conservation of places and objects of natural, cultural and heritage significance. Under the Act, natural and historic heritage places and objects *must be nominated, provisionally registered or registered* for the Act to have effect, but *all* Aboriginal places and objects are protected (regardless of whether or not they are registered). The Act was reviewed after five years of operation and subsequently amended in 2014; see the [Heritage Legislation Amendment Bill 2013](#) on the [Environment & Planning Directorate](#) website and below for more information.

## Legislation

### **Heritage Act 2004 (ACT)**

The [Heritage Act 2004 \(ACT\)](#) (the Act) established the [ACT Heritage Council](#) and is administered through [ACT Heritage](#) within the [Environment & Planning Directorate](#). The Act also includes provisions for the declaration of Representative Aboriginal Organisations (RAOs) under [s 14](#). Under the Act, the ACT Heritage Council is responsible for consulting with RAOs on a range of matters relating to Aboriginal places and objects in the ACT. As at 31 December 2015 there were four RAOs: Buru Ngunawal Aboriginal Corporation; Little Gudenby River Tribal Council; King Brown Tribal Group and the Ngarigu Currawong Clan. The Act requires a person to report the discovery of an Aboriginal place or object to the Heritage Council within five working days. [Section 75](#) of the Act provides protection for all Aboriginal places or objects, and [s 76](#) describes offence exceptions, which may include having approved 'Excavation Permits', 'Statements of Heritage Effect', 'Conservation Management Plans' or 'Development Applications' in place. See the [ACT Heritage](#) section on the [Environment & Planning Directorate](#) website for more information.

### **Heritage Legislation Amendment Bill 2013**

The draft Heritage Legislation Amendment Bill 2013 was tabled in the Legislative Assembly in May 2013 and later released for further public consultation. Further amendments were made and the Bill was passed in the Legislative Assembly in September 2014, with amendments effective from 4 October 2014. The amendments clarify that *all* Aboriginal places and objects are protected under the Act, and ensure that Heritage Guidelines may be made for Aboriginal places and objects regardless of whether or not they are registered. The amendments also expanded existing RAO consultation provisions. See the [Heritage Legislation Amendment Bill 2013](#) on the [Planning and Environment Directorate](#) website for more information.

## More information

The [NTRU](#) has compiled a [Native title and Indigenous cultural heritage bibliography \(PDF 772kB\)](#), as part of its [Native title and cultural heritage research project](#). See the NTRU [website](#) for more information about Indigenous heritage protection in Australia including links to relevant publications.

### Human Rights Amendment Bill 2015

The Human Rights Amendment Bill 2015 was tabled in the Legislative Assembly on 26 March 2015, and passed on 11 February 2016. The Bill is a response to the 2014 review of the Act, 'Economic, social and cultural rights in the Human Rights Act 2004,' and is aimed at strengthening Aboriginal and Torres Strait Islander cultural rights. The amendment, contained in s 27(2), acknowledges the right of Aboriginal and Torres Strait Islander peoples to have 'both their material and economic relationships with the land and waters and other resources with which they have a connection under traditional laws and customs recognised and valued.' In February 2016, the Bill was awaiting notification. See the [Human Rights Amendment Bill 2015](#) for further information.

## 12. Land rights

### Overview

The ACT Government has not implemented any Aboriginal land rights legislation, however, land in the Jervis Bay Territory has been granted under Commonwealth legislation to the [Wreck Bay Aboriginal Community Council \(WBACC\)](#).

### Legislation

#### *Aboriginal Land Grant (Jervis Bay Territory) Act 1986 (Cth)*

The [Aboriginal Land Grant \(Jervis Bay Territory\) Act 1986 \(Cth\)](#) (the Act) provides for the WBACC to be granted title to land in the Jervis Bay Territory. The Act was amended by the [Aboriginal Land Grant \(Jervis Bay Territory\) Amendment Act 2003 \(Cth\)](#) in order to facilitate the operations of the WBACC.

The *Aboriginal Land Grant (Jervis Bay Territory) Act 1986 (Cth)* provides for the WBACC to apply to the relevant Minister for additional grants of Territory land, which may be declared Aboriginal Land if the relevant Minister considers it appropriate and is satisfied that the land is vacant Crown land; adjoins existing Aboriginal land; and is of significance to the Aboriginal community. The Act originally granted 403 hectares of land surrounding the Jervis Bay Village to the WBACC. In 1995, under the [Aboriginal Land Grant and Management \(Jervis Bay Territory\) Legislation Amendment Act 1995 \(Cth\)](#), the National Park and Botanic Gardens were granted to the WBACC who leased them to the Director of National Parks for 99 years under the [Jervis Bay \(Booderee\) National Park and Botanical Gardens Land Transfer](#)

agreement. These areas are jointly managed by the WBACC and [Parks Australia](#) (part of the Commonwealth [Department of the Environment](#)). In 1997 the park was re-named Booderee National Park. For more information see the [Booderee National Park](#) and the [WBACC](#) websites.

## Indigenous owned or controlled land in the ACT

Information about Indigenous owned or controlled land is compiled by the Productivity Commission as part of its [Overcoming Indigenous Disadvantage](#) reports. The most recent report, [Overcoming Indigenous Disadvantage: Key Indicators 2014](#), was released on 19 November 2014. Chapter 9 (section 9.2 and Table 9A.2.1) of this report provides information about Indigenous owned or controlled land (which includes Indigenous owned or controlled land that is freehold, leasehold, crown, license, Aboriginal Deed of Grant in Trust or not stated tenure). This table does not record any area data for the ACT but identifies 2 land parcels, see Table 2 below.

**Table 2: Estimated Indigenous owned or controlled land in the ACT (ILC data at 30 April 2014)<sup>(a)</sup>**

| Land tenure type  | Unit            | Total    |
|---|-----------------|----------|
| Freehold (alienable)  | km <sup>2</sup> | -        |
| Leasehold (Crown Lease)                                       | km <sup>2</sup> | -        |
| Leasehold (other than Crown Lease)                            | km <sup>2</sup> | -        |
| License   | km <sup>2</sup> | -        |
| Tenure not stated   | km <sup>2</sup> | -        |
| <b>Total Indigenous land</b>                                  | km <sup>2</sup> | -        |
| Proportion of national total of Indigenous land               | %               | -        |
| Total land area of the ACT (b)                                | km <sup>2</sup> | 2,358.0  |
| Indigenous land as a proportion of total land area of the ACT | %               | 0.1      |
| <b>Number of land parcels (c)</b>                             | no.             | <b>2</b> |

(a) The ILC makes no warranties as to the currency or accuracy of this information. Non-ILC land information data date - 2000.

(b) Total land area figures based on GeoScience Australia's published "Area of Australia - States and Territories" data as calculated from GeoScience Australia's GEODATA Coast 100K 2004 product.

(c) 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 being only a single legal land entity.  
Nil or rounded to zero.

Source: <http://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/key-indicators-2014/09-key-indicators-2014-chapter9.pdf> Table 9A.2.1 Estimated Indigenous owned or controlled land by State/Territory, 2014 Indigenous Land Corporation 2014 (unpublished). See Chapter 9 and related attachment tables.

## 13. ILC land purchases

### Overview

The [Indigenous Land Corporation](#) (ILC) was established in 1995. It is a [Corporate Commonwealth Entity](#) under the [Public Governance, Performance and Accountability Act 2013](#) (Cth) and a portfolio agency of the [Department of Prime Minister and Cabinet](#). Since 2005 the ILC has been administered under the [Aboriginal and Torres Strait Islander Act 2005 \(Cth\)](#) (see part 4A of the Act).

The ILC is accountable to Parliament through the [Minister for Indigenous Affairs](#), and it is this Minister who appoints the [ILC Board](#). The ILC Board is responsible for all policy and land purchase decisions and is not under the direction of the Minister. The ILC's purpose is to assist Indigenous people to acquire and manage land to achieve economic, environmental, social and cultural benefits. The ILC acquires and grants properties to Indigenous organisations and assists Indigenous landholders to sustainably manage land and develop viable and sustainable land uses including: developing property management plans, purchasing equipment, or developing infrastructure. The ILC has recently made changes to its program delivery structure, combining its land acquisition and management functions into a single program: [Our Land Our Future](#). See the [Corporate documents](#) section of the ILC website for copies of the ILC's national, state and territory land strategies.

### ILC land purchases

As at 30 June 2015, the ILC had not purchased any properties in the ACT. A list of ILC land purchases is available on the ILC website: [ILC Lands Purchased](#).

### Map

See the [land purchased](#) section of the ILC website to view a map of land purchases.

## 14. Indigenous protected areas

### Overview

An Indigenous Protected Area (IPA) is an area of Indigenous-owned land or waters where Indigenous landowners have entered into a voluntary agreement with the Australian Government for the purposes of promoting biodiversity and cultural resource conservation. The declaration of an IPA over Indigenous owned lands results in that land being part of the [National Reserve System](#). The IPA program is administered by the [Indigenous Affairs Group](#) within the Department of the Prime Minister and Cabinet.

## Indigenous protected areas in the ACT

As at November 2015, there were no IPAs within the Australian Capital Territory. Refer to the [Department of Prime Minister and Cabinet's IPA and ranger program locations page](#) for up to date information.

## Map of Indigenous protected areas

The [Indigenous Protected Areas Map](#) shows declared IPAs and IPA consultation projects throughout Australia.

# 15. Aboriginal & Torres Strait Islander population

## Overview

The [Australian Bureau of Statistics](#) (ABS) conducts a census of the Australian population every five years. The [Census of Population and Housing](#) collects information about the number and characteristics of people who are in Australia on census night and the dwellings in which they live. The most recent Census was conducted on 9 August 2011. See Table 3 below and the ABS catalogue number 2075.0: [Census of Population and Housing - Counts of Aboriginal and Torres Strait Islander Australians, 2011](#) for more information.

**Table 3: ACT Aboriginal & Torres Strait Islander population (Census 2006 and 2011)<sup>(a)</sup>**

|  | ACT 2006 |     | ACT 2011 |     | Australia 2011 |     |
|--|----------|-----|----------|-----|----------------|-----|
|  | No.      | %   | No.      | %   | No.            | %   |
| Aboriginal & Torres Strait Islander population | 3,873    | 1.2 | 5,184    | 1.5 | 548,369        | 2.5 |
| Total population                               | 324,034  |     | 357,220  |     | 21,507,719     |     |

(a) The Aboriginal and Torres Strait Islander population of Jervis Bay is listed separately within 'Other Territories' in Census Counts – Aboriginal and Torres Strait Islander Peoples Table 3b.

Source: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/2075.0> Table 3b: 2011 Census Counts Indigenous Status 2001-2011 (by state and territory) at 19 July 2012

The ABS estimates that the 2011 Census did not count around 17 per cent of Aboriginal and Torres Strait Islander Australians (see ABS Catalogue no. 2940.0: [Census of Population and Housing - Details of Undercount, 2011](#) on the ABS website for details). To address this problem of undercounting the ABS adjusts the Census count to derive the estimated resident Indigenous population (see ABS Catalogue no. 3238.0.55.001: [Estimates of Aboriginal and Torres Strait Islander Australians, June 2011](#) on the ABS website). The estimated resident Aboriginal and Torres Strait Islander population in the ACT at 30 June 2011 was 6,160.



## More information

The ABS has a number of publications providing further information about Australia's Aboriginal and Torres Strait Islander population including ABS Catalogue no. 4713.0: [Population Characteristics, Aboriginal and Torres Strait Islander Australians, 2006](#). The [Centre for Aboriginal Economic Policy Research \(CAEPR\)](#) at the Australian National University has also published a number of research papers relating to Census data and the Aboriginal and Torres Strait Islander population, see [Census papers](#) on the [CAEPR](#) website. See also the ACT Government's [Closing the Gap Report 2013 \(PDF 2.4MB\)](#) and [ACT Aboriginal and Torres Strait Islander Population Overview](#).

## 16. Sources

### 1. Native title legislation

- Attorney-General's Department: <http://www.ag.gov.au/>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>

### 2. ACT Government agencies & programs: native title

- Agreements, Treaties and Negotiated Settlements (ATNS) project: <http://www.atns.net.au/>
- Australian Capital Territory - Community Services Directorate: <http://www.communityservices.act.gov.au/>
- Australian Capital Territory – Environment & Planning Directorate: <http://www.environment.act.gov.au/>
- Australian Capital Territory - Territory and Municipal Services Directorate: <http://www.tams.act.gov.au/>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>

### 3. Native title representative body

- NTSCORP: <http://www.ntscorp.com.au/>
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>

### 4. Native title applications

- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>

### 5. Native title determinations

- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>

- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
6. Registered native title body corporate
- AIATSIS - Native Title Corporations: <http://www.nativetitle.org.au/>
  - AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
  - Australasian Legal Information Institute: <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/>
7. Future acts
- Attorney-General's Department: <http://www.ag.gov.au/>
  - Australasian Legal Information Institute: <http://www.austlii.edu.au/>
  - National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
8. Indigenous land use agreements
- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
  - National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
9. Cultural heritage
- Australian Capital Territory – Environment & Planning Directorate: <http://www.environment.act.gov.au/>
  - Australasian Legal Information Institute: <http://www.austlii.edu.au/>
  - AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
10. Land rights
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
  - Australian Productivity Commission: <http://www.pc.gov.au/>
  - Agreements, Treaties and Negotiated Settlements (ATNS): <http://www.atns.net.au/>
  - Department of the Environment: <http://www.environment.gov.au/>
  - Parks Australia: <http://www.parksaustralia.gov.au/about.html>
  - Wreck Bay Aboriginal Community Council: <http://www.wbacc.gov.au/>
11. ILC land purchases

- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- Indigenous Land Corporation (ILC): <http://www.ilc.gov.au/>

## 12. Indigenous Protected Areas

- Department of the Prime Minister and Cabinet - Indigenous Affairs Group: <https://www.dpmc.gov.au/indigenous-affairs>
- Indigenous Protected Areas Program: <http://www.environment.gov.au/indigenous/ipa/index.html>

## 13. Aboriginal and Torres Strait Islander population

- Australian Bureau of Statistics: <http://www.abs.gov.au>
- Australian Capital Territory - Chief Minister, Treasury and Economic Development Directorate: <http://apps.treasury.act.gov.au/demography/profiles/act/atsi>
- Australian Capital Territory - Community Services Directorate: <http://www.communityservices.act.gov.au/>
- Centre for Aboriginal Economic Policy Research: <http://caepr.anu.edu.au/>