



# Extract from Schedule of Native Title Applications

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

**Application Name:** First Peoples of the Millewa-Mallee Claim v State of Victoria & Ors (First Peoples of the Millewa-Mallee Claim)

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 08/10/2015

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**Current status:** Full Approved Determination - 18/07/2025

**Registration information:** Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

**Date claim entered on Register of Native Title Claims:** 13/05/2016

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 13/05/2016 to 29/07/2025,

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**Applicants:** Casey Arden, Shane Jones Snr, Robert Baxter, LeRoy Badenoch, Mark Grist, Nyawi Black, Timothy Johnson, Nathan Giles, Andrea Giles

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## Additional Information

Not applicable

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## Persons claiming to hold native title:

1. The native title claim group on whose behalf the application is made, who are the **Native Title Holders** for the area covered by the application (which, in this Schedule A, is described as the **Determination Area**) are the persons described as follows:

The Native Title Holders are those living Aboriginal people who satisfy all three of the following criteria:

(a) are descended (including by adoption in accordance with traditional law and customs) from one or more of the following identified ancestors:

- (i) John Perry;
- (ii) Nelly Perry;

(iii) the mother of Sarah Mayne; and

(b) identify themselves as having rights and interests in the Determination Area under the traditional laws and customs applicable to the Determination Area, as:

(i) Ngintait, Latji Latji or Nyeri Nyeri; and/or

(ii) a member of the native title holding group; and

(c) are recognised by the Native Title Holders as having rights and interests in the Determination Area under the traditional laws and customs applicable to the Determination Area, as:

(i) Ngintait, Latji Latji or Nyeri Nyeri; and/or

(ii) a member of the native title holding group.

#### **Native title rights and interests claimed:**

##### **Native title where traditional rights are wholly recognisable**

1. Paragraph 2 applies to every part of the Claim Area:

(a) where there has been no extinguishment to any extent of native title rights and interests or where any such extinguishment is required to be disregarded pursuant to ss 47, 47A or 47B of the NTA; and

(b) which is not subject to the public right to navigate or the public right to fish.

2. Where this paragraph applies, the native title rights and interests possessed under traditional laws and customs confer possession, occupation, use and enjoyment of the land and waters as against all others.

##### **Native title where traditional rights are partially recognisable**

3. Paragraph 4 applies to every part of the Claim Area to which paragraph 2 does not apply.

4. Where this paragraph applies, 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.

##### **Area covered by the native title and who holds the rights**

5. Each of the native title rights and interests referred to in each of paragraphs 2 and 4 exist in relation to the whole of each part of the Claim Area to which those paragraphs respectively apply and is held by the members of the native title claim group subject to and in accordance with traditional laws and customs.

##### **Activities currently carried on**

6. Activities in exercise of the native title rights and interests referred to in Schedule E are all such activities as are contemplated by those rights and interests, and include the activities identified in Schedule G.

##### **Rights and interests subject to laws of Australia**

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. In this Schedule, "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.

9. More information is provided for the purposes of Schedule E in Schedules F, G and M to meet the requirements of ss 62 (2)(d) to (f) and 190B(5), (6) and (7) of the NTA.

##### **Application Area:**

**State/Territory:** Victoria

**Brief Location:** North West of Victoria

**Primary RATSIB Area:** Victoria

**Approximate size:** 7859.9106 sq km

(Note: There may be areas within the external boundary of the application that are not claimed.)

**Does Area Include Sea:** No

##### **Area covered by the claim (as detailed in the application):**

##### **a) The area covered by the application**

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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:

1. 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):

- (i) Category A past acts;
- (ii) Category A intermediate period acts;
- (iii) Category B past acts that are wholly inconsistent with the continued existence of any native title rights or interests;
- (iv) Category B intermediate period acts that are wholly inconsistent with the continued existence of any native title rights or interests.

2. 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.

3. 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

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

- (i) an unqualified grant of an estate in fee simple;
- (ii) a public work as defined in section 253 of the Native Title Act; or
- (iii) an existing dedicated public road.

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

**Native Title Determinations:**

- (i) VCD2005/002 Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 2 as determined 13th December 2005.
- (ii) VCD2005/001 Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 1 as determined 13th December 2005.
- (iii) VCD2005/003 Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples No. 3 as determined 13th December 2005.

**Indigenous Land Use Agreement:**

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

**Data Reference and source**

Application boundary compiled by the National Native Title Tribunal based on instructions provided by the applicants and the boundary description of the First People of the Millewa-Mallee Aboriginal Corporation Registered Aboriginal Party (5 September 2019); Roads and tracks sourced from Dept. Environment, Land, Water and Planning (16 November 2020).

**Reference datum**

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 2020 (GDA2020), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.

**Use of Coordinates**

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome of the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Geospatial Services, National Native Title Tribunal (30 November 2020)

**See "Attachment B"**

**Attachments:** 1. Attachment C - Map of claim area, 1 page - A4, 18/07/2024

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End of Extract