



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): VID630/2015  
NNTT Number: VCD2025/001

**Determination Name:** [First Peoples of the Millewa-Mallee Native Title Claim Group v State of Victoria](#)

**Date(s) of Effect:** 18/07/2025

**Determination Outcome:** Native title exists in the entire determination area

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## Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

**Determination Date:** 18/07/2025

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Not Applicable

### REGISTERED NATIVE TITLE BODY CORPORATE:

First People of the Millewa-Mallee Aboriginal Corporation  
Agent Body Corporate  
142-144 Langtree Avenue  
Mildura Victoria 3500

*Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations [www.oric.gov.au](http://www.oric.gov.au)*

### COMMON LAW HOLDER(S) OF NATIVE TITLE: The Native Title Holders (s 225(a) of the NTA)

2 The native title rights and interests in the Determination Area are held by the **Native Title Holders**, who are those living Aboriginal people who satisfy all three of the following criteria:

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

- (a) John Perry;
- (b) Nelly Perry;
- (c) the mother of Sarah Mayne; and

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

- (a) Ngintait, Latji Latji, or Nyeri Nyeri; and/or

- (b) a member of the native title holding group; and
- (3) 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:
  - (a) Ngintait, Latji Latji or Nyeri Nyeri; and/or
  - (b) a member of the native title holding group.

**MATTERS DETERMINED:  
THE COURT ORDERS THAT:**

1. There be a determination of native title in the terms provided in Attachment A.
2. First People of the Millewa Mallee Aboriginal Corporation (ICN: 8264) is to:
  - (a) be the prescribed body corporate for the purposes of s 57(2) of the NTA; and
  - (b) perform the functions mentioned in s 57(3) of the NTA after becoming the registered native title body corporate in relation to the Determination Area.

**ATTACHMENT A**

**DETERMINATION**

**BY CONSENT, THE COURT DETERMINES THAT:**

**Existence of native title (s 225 of the NTA)**

- 1 Native title exists in relation to the whole of the Determination Area.

**The Native Title Holders (s 225(a) of the NTA)**

2 The native title rights and interests in the Determination Area are held by the **Native Title Holders**, who are those living Aboriginal people who satisfy all three of the following criteria:

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

- (a) John Perry;
- (b) Nelly Perry;
- (c) the mother of Sarah Mayne; and

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

- (a) Ngintait, Latji Latji, or Nyeri Nyeri; and/or
- (b) a member of the native title holding group; and

(3) 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:

- (a) Ngintait, Latji Latji or Nyeri Nyeri; and/or
- (b) a member of the native title holding group.

**The nature and extent of native title rights and interests (ss 225(b) and (e) of the NTA)**

3 Subject to orders 6 and 7 (which are qualifications on the native title rights and interests), the nature and extent of the native title rights and interests in relation to each part of the Determination Area referred to in Schedule 2 is the right to possession, occupation, use and enjoyment of those parts to the exclusion of all others.

4 Subject to orders 5 to 7 (which are qualifications on the native title rights and interests), the nature and extent of the native title rights and interests in relation to each part of the Determination Area, other than those parts of the Determination Area referred to in Schedule 2, are the following rights and interests:

- (1) the right to have access to, remain on (including live on and belong to), use and enjoy that part;
- (2) the right to take, and use, the resources of that part;
- (3) the right to protect and maintain areas, sites, objects and places of significance under traditional law and custom on that part; and
- (4) the right to invite onto that part those people who, although not Native Title Holders, are:
  - (a) spouses or partners of Native Title Holders; or
  - (b) people permitted in accordance with traditional law and custom for the performance of cultural activities.

5 The native title rights and interests referred to in order 4 do not confer possession, occupation, use and enjoyment of those parts to the exclusion of all others.

6 The native title rights and interests referred to in orders 3 and 4 are subject to and exercisable in accordance with:  
(1) the traditional laws and customs of the Native Title Holders; and  
(2) the laws of the State and Commonwealth, including the common law.

7 Notwithstanding anything in this Determination:

- (1) There is no native title in the Determination Area in, or in relation to:
- (a) minerals as defined in the *Mineral Resources (Sustainable Development) Act 1990* (Vic), as in force at the date of the Determination and as are owned by the Crown;
  - (b) petroleum as defined in the *Petroleum Act 1998* (Vic), as in force at the date of the Determination and as is owned by the Crown; and
  - (c) groundwater as defined in the *Water Act 1989* (Vic), as in force at the date of the determination.
- (2) The nature and extent of native title rights and interests in relation to water in any waterway is the non-exclusive right to take, use and enjoy that water for domestic and ordinary use.

### **The nature and extent of any other interests (s 225(c) of the NTA)**

8 The nature and extent of other rights and interests in relation to the Determination Area are those set out in Schedule 3 (**other interests**).

### **Relationship between native title rights and other interests (s 225(d) of the NTA)**

9 Except as otherwise provided for by law, the relationship between the native title rights and interests described in orders 3 and 4 and the other interests is as follows:

- (1) the Determination does not affect the validity of those other interests; and  
(2) except as provided in (3), to the extent of any inconsistency between the other interests described in Schedule 3 and the continued existence, enjoyment or exercise of the native title rights and interests:  
(a) the native title rights and interests continue to exist in their entirety, but the native title rights and interests have no effect in relation to the other interests to the extent of the inconsistency during the currency of the other interests; and  
(b) otherwise, the other interests co-exist with the native title rights and interests and, for the avoidance of doubt, the doing of an activity required or permitted under those other interests prevails over the exercise and enjoyment of the native title rights and interests, but does not extinguish them.  
(3) The relationship between the native title rights and interests and the other interests referred to in paragraphs 6 to 8 of Schedule 3 is that, those interests, and rights held under them, co-exist with the native title rights and interests.

### **Determination of the status of parcels within Determination Area**

10 Without affecting the operation of any of orders 3, 4, or 9 above, the State and the Native Title Holders have:

- (1) agreed in writing to a framework which will apply when they wish to establish the native title status of a parcel of land within the Determination Area, or the location and boundaries of any area where extinguishment is required to be disregarded by operation of ss 47A or 47B of the NTA;  
(2) in Schedule 5, reproduced that framework as it stands and is agreed as at the date of the Determination, on the understanding it may subsequently be varied as between the State and the registered native title body corporate; and  
(3) agreed that any rights or interests conferred by that framework do not form part of this determination made for the purposes of ss 94A or 225 of the NTA.

11 A party has liberty to apply to the Court on 60 days' written notice to establish the native title status of an area of land, or the location or boundaries of any area where extinguishment is required to be disregarded by operation of ss 47A or 47B of the NTA.

### **Definitions and interpretation**

12 In this Determination, including its schedules, unless the contrary intention appears:

- (1) The following words and expressions have the following meaning:
- (a) **Crown** means the Crown in right of Victoria, or the Crown in right of the Commonwealth, as the case requires;
  - (b) **Determination Area** means the land and waters described in Part 2 of Schedule 1 to the extent they are within the External Boundary, and which are depicted on the maps at Schedule 6;
  - (c) **External Boundary** means the written description in Part 1 of Schedule 1;
  - (d) **land** and **waters** respectively have the same meanings as in the NTA;
  - (e) **LTVA** means the *Land Titles Validation Act 1994* (Vic);
  - (f) **NTA** means the *Native Title Act 1993* (Cth); and
  - (g) **waterway** has the same meaning as in s 3 of the *Water Act 1989* (Vic) as in force at the date of this Determination, and otherwise;
- (2) words and expressions have the same meaning as they have in the NTA.

13 In the event of an inconsistency between the written description of an area and the depiction of that area on the maps in Schedule 6, the written description prevails.

**REGISTER ATTACHMENTS:**

1. VCD2025/001 Schedule 1 - Determination area, 3 pages - A4, 18/07/2025
2. VCD2015/001 Schedule 2 - Where native title is exclusive possession, 1 page - A4, 18/07/2025
3. VCD2025/001 Schedule 3 - Other interests, 2 pages - A4, 18/07/2025
4. VCD2025/001 Schedule 4 - Areas where extinguishment is to be disregarded, 1 page - A4, 18/07/2025
5. VCD2025/001 Schedule 5 - Framework for determining the native title status of land or waters, 1 page - A4, 18/07/2025
6. VCD2025/001 Schedule 6 - Map, 1 page - A4, 18/07/2025

*Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.*