

Media Statement

Tuesday 28 March 2023

IMPORTANT NATIVE TITLE DETERMINATION FOR EASTERN MAAR PEOPLES

Today we celebrate the end of a long, difficult journey for Eastern Maar peoples. After a decades long process, the Federal Court of Australia has recognised their native title rights over Country.

Native title is about justice.

We talk about land justice, social justice, legal justice but really, it's about righting an historical wrong. Native title is the contemporary legal acknowledgment of Traditional Owners' ongoing connection to and responsibility for Country, continuing today and for 60,000 years.

Native title is a community title.

Unlike other statutory rights, it recognises the collective nature of rights held by Traditional Owners as a community and represented by their corporation. It can include the right to camp, hunt, fish, collect plants, protect sites of cultural significance and conduct ceremony. In Victoria, it may exist over Crown land and waters, except where native title has been extinguished.

Native title is a long process.

Our role as native title lawyers is to work with groups who wish to pursue land justice outcomes in Victoria. We approach this through the lens of formal statutory recognition at Commonwealth and Victorian state levels. We do not make decisions formally recognising Traditional Owners for Country, our work is to assist Traditional Owners in seeking formal recognition. We speak to Traditional Owners, not for Traditional Owners.

Tirelessly working towards these outcomes since 2003, for twenty years we have delivered land justice outcomes under Commonwealth and Victorian legislation. Today's determination by the Federal Court is another step in remediating the 2002 *Yorta Yorta v Victoria* High Court decision, that left in its wake a common view that native title as a doctrine would have little application in Southern Australia. We are pleased that they were wrong.

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Further Information

Quotes

Kenneth Stewart, Chair, First Nations Legal & Research Services

“Today’s determination is a great step forward for both the Eastern Maar people and all Traditional Owners. The Federal Court has said that this Country was owned before the start of colonization and continues to be owned by Eastern Maar people. To truly live self-determination, we must continue to achieve determinations like today, when Aboriginal people are given control of their Country.”

Important Dates

Today’s landmark decision marks twelve years since the previous native title determination in Victoria and falls on another significant anniversary for Traditional Owner rights in the state.

27 July 2011	The Guditjmara and Eastern Maar peoples’ native title rights and interests were recognised under the <i>Native Title Act 1993 (Cth)</i> , for an area of their traditional country in south-west Victoria.
28 March 2013	The Dja Dja Wurrung and the Victorian Government reached a landmark native title settlement over lands in central Victoria by entering into a Recognition and Settlement Agreement under <i>Traditional Owner Settlement Act 2010 (Vic)</i> .

Links

[First Nations Legal and Research Services](#)

[Eastern Maar Aboriginal Corporation](#)

Fact Sheets

[What are the processes to achieve formal recognition?](#)

[What is a native title determination?](#)

[What is settlement under Victoria’s settlement act?](#)

[What is a registered Aboriginal party?](#)

[What is the role of research in formal recognition processes?](#)

[Glossary of terms](#)

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