

### 3.3 Claiming and occupying the land

#### Summary

Colonists settled permanently in the present-day City of Ballarat in the late 1830s in connection with pastoral development. The predominantly British settler population was relatively small until the gold rushes of the 1850s when thousands of prospectors from many countries of the world were attracted to the area. The immigrant population was primarily English (including the Welsh and Cornish), Scottish and Irish, but there were also large numbers of Continental Europeans, Chinese, and North Americans.

Various forms of land claim, occupation and acquisition were available through statutory mechanisms and official processes, including pastoral leases, miner’s rights, land selection and closer settlement, which enabled settlers to take up land (as leasehold and freehold) for grazing, farming and mining, and other forms of primary production.

#### Consideration of this theme in relation to the HUL approach

The initial development of settlement, through the granting of pastoral licenses, and subsequently through land selection, miners’ rights and closer settlement, formed and shaped the pattern of land occupation by settlers. The provision of land through these various legal categories of occupation necessitated the survey and administration of land through the creation of cadastral parishes, and the lease and sale of tens of thousands of parcels of land. The transplanted cultural values of settler colonists are expressed in the early homes and gardens, in spatial organisation, in land-use practices, and in place-naming. The HUL layers of particular relevance to this theme are ‘Land use patterns and spatial organisation’ and ‘Perceptions and visual relationships (re: pastoral settlement).

#### Consideration of First Nations history relative to this theme

Exploration	For First Nations people, the exploration and mapping of land represents foreigners (British colonists) taking possession of their Country. The process of exploration often involved First Nations people as guides.
Naming	The naming of places by settler colonists was a tool of possession of the land. This overrode the existing names of places. Aboriginal placenames were also used to name the places that settlers claimed and occupied.
Settlement/colonisation	For First Nations people, colonisation represented the invasion of sovereign Country, dispossession, declining health and population, and manifest injustices.  Colonisation resulted in conflict between settlers and First Nations people, with many First Nations people killed by settlers.

### Consideration of First Nations history relative to this theme

<p>Pastoral settlement</p>	<p>The take up of pastoral runs represented the foundation of physical conflict over land and resources. The best areas of land (e.g. waterfront) were taken up for the homestead or home station.</p> <p>Thomas Learmonth was a member of the Derwent Company which had acquired the shares of the Port Phillip Association. Learmonth arrived in Victoria from VDL in 1837 with the objective of colonising the land. The town of Learmonth commemorates his name.</p>
<p>Selection acts</p>	<p>The granting of land selections from the 1860s, which was largely the re-allocation of Crown land from pastoral leaseholds, largely excluded applicants who were Wadawurrung or Dja Dja Wurrung people.</p>

### 3.3.1 Exploring and surveying

The exploration of Victoria, initially by Hume and Hovell in 1824–25 and then by Major Thomas Mitchell in 1836, set in train the colonial settlement of the area and the dispossession of the Dja Dja Wurrung and the Wadawurrung peoples of their Country.

The unauthorised expedition of Major Mitchell through western Victoria in 1836 pre-empted the large-scale pastoral settlement of Victoria. Mitchell coined the name 'Australia Felix' (loosely translated as 'happy' or 'favourable' southern land) for the favourable country he encountered. While his expedition did not take him through what is now the City of Ballarat, he passed not far from the north-western edge of the area on his return journey in September 1836. Mitchell's high praise for the fertile plains and extensive grasslands of western Victoria, strongly influenced the pastoral settlement of the area.<sup>59</sup>

As noted by others, the first squatters in the area essentially served as explorers for the colonial enterprise of settlement. The Port Phillip Association covered a large area of land around Melbourne and Geelong, which each member claimed a portion of. Although Mount Buninyong is just outside the territory claimed in Batman's treaty, John Helder Wedge (a member of the Port Phillip Association) has included it in his survey plan of Port Phillip, dated 1835 (FIGURE 3.26).

<sup>59</sup> Margaret Kiddle, *Men of Yesterday*, Melbourne University Press, Carlton, 1961.



**Figure 3.26** John Helder Wedge's naïve rendering of 'Mount Buninyoto', in his 'Map of the Port Phillip District', 1835. (Source: State Library Victoria)

By the late 1830s, new pastoral settlers had arrived to mark out runs, selecting prime water frontages and the most desirable grazing land for their stock. In this process of free-rein acquisition of land, and in the absence of reliable mapping, the high points of country were the means of surveillance and selection. The ascent of Mount Buninyong in 1837 by the Learmonth party, and their surveillance of the country they sought to use for their own purposes, determined the course of settlement of the area.<sup>60</sup> Mount Buninyong had a long-established cultural significance for Wadawurrung people, but colonists gave it new meaning as a site of foundation and possession. The landscape would become layered with meanings that informed very different cultural worlds.

The idea of a 'promised land' in Judeo-Christian tradition prevailed in the attitudes of some settlers to the 'discovery' and possession of land in Victoria. Calvinists (Presbyterians) in particular were attracted by the notion of a promised land, which was tied to the doctrine of predestination or manifest destiny that prevailed in Protestant theology. Further justification for the exploration and possession of new country from a Christian theological perspective was the notion that those who used the land in a productive and profitable manner had a kind of moral entitlement to occupy it.

The official surveying of the Ballarat area did not happen in earnest until the discovery of gold. Much of this initial work was done by William Swan Urquhart, who commenced as an assistant surveyor under Hoddle in 1845. Urquhart prepared a number of surveys of

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<sup>60</sup> Learmonth, 1853, in Bride, 1898.

the Ballarat area from 1851. His first survey of Ballarat was completed in 1852.<sup>61</sup> Using a theodolite and heavy chains, this was slow and difficult work.

Mineral exploration was also undertaken from the 1850s, in the wake of the first gold discoveries. A.S. Selwyn of the Mines Department undertook an extensive geological survey in 1852 and Robert Brough Smyth carried out a geological survey of Victoria c.1860–65.

### 3.3.2 Naming places

Settlers' naming of places in the landscape, including localities, rivers, water bodies and natural features in the landscape, served a tool of colonisation. The first naming protocols set down by the colonial authorities was to use Aboriginal placenames where possible, that is, where a name was known or could be identified. This was a clear directive for the naming of cadastral parishes. In 1837, directions were given to surveyor Robert Hoddle from the Surveyor-General of New South Wales to 'assign to each Parish a name, founded on the native appellations of any place or hill therein'.<sup>62</sup> These names would most likely have been provided by either an Aboriginal informant to the local surveyor, or an early settler who had gained information about traditional placenames from Aboriginal informants. W.S. Urquhart included a number of Aboriginal place names in his 1852 survey of Ballarat, including the two waterholes on the Yarrowee: Paroompi and Quimidupakup. It is likely that Urquhart sought these names from the local Wadawurrung people, with whom he claimed to be on good terms.<sup>63</sup>

This naming protocol enabled the recording of many traditional Wadawurrung and Dja Dja Wurrung names for local places, but this was also a means for claiming these placenames for the purpose of colonisation—in claiming Aboriginal names for place they perhaps sought a deeper claim to the land itself. Pastoralist W.J.T. ('Big') Clarke, for example, who took up a large area of land in the Ballarat area, boasted of his acquisition of Aboriginal placenames.<sup>64</sup> In the newly imagined colonial landscape, these acquired Aboriginal names added a new layer of cultural meaning to the land that represented systems of colonial imperialism and cultural appropriation.

The second most common approach to place-naming by settler colonists was the use of names from the Old World. Settlers often adopted these names if there was a family

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<sup>61</sup> Ken James, 'The surveying career of William Swan Urquhart, 1843–1864', *Provenance* 2009; Kelleher Australia, 'Ballarat's First Gold Commissioner's Camp', 2015.

<sup>62</sup> Cited in James, 2009.

<sup>63</sup> Kellehers Australia, 2015, p. 41.

<sup>64</sup> Fred Cahir, *The Invasion*, 2019, n.p.

association with a place in the old world, or when they fancied a likeness in the new country to the place they had come from. Examples include Windermere (from the Lakes District in England) and Bonshaw. Other old-world names used in the City of Ballarat include places associated with British victories in the Crimean War in the 1850s, including the battle of Redan and the siege of Sebastopol. New names were also chosen for the purpose of honouring the name of an early settler—for example, Learmonth (after Thomas Learmonth), Coghill’s Creek (after the Coghill brothers), Yuille’s Swamp (after J.C. Yuille) and Winter’s Swamp (after John Jock Winter).

The naming of places on the goldfields from the early 1850s was extensive, reflecting the need to identify and develop a familiarity with each distinctive mining area. It was very much a pedestrian’s landscape. People knew the landscape by walking it; they became familiar with every creek and gully, every hill and dale. Many of the placenames on the goldfields had associations with the vernacular—that is, they related to the physical appearance, function, or perception of the place. Examples include Miners’ Rest, Soldiers’ Hill, Red Hill, Black Hill, Bakery Hill, White Flat, Weatherboard Hill, Bald Hills, Mount Blowhard, Dead Horse Gully, Dog Trap Creek and Old Gum Tree Flat. Other names on the goldfields were determined by the ethnic identity of the occupants of a particular mining area, for example Yankee Flat, Canadian, and Caledonian.

### 3.3.3 Pastoral settlement

Those with sufficient capital who were intent on profiting as pastoral capitalists moved into the Ballarat area from 1837. The first of these squatters, as they were known, was Thomas Learmonth, who had arrived in Van Diemen’s Land in 1835 where he had been a member of the Derwent Company.<sup>65</sup> As an associate of J.H. Wedge and other members of the Port Phillip Association, Learmonth would have had access to surveys and knowledge of the promising land across Bass Strait.

Initially, intending pastoral settlers made their way to the Buninyong and Ballarat district by travelling overland from Geelong, where they had landed their stock. Later they made the journey from Melbourne. Thomas Manifold travelled to the area in 1837, recalling:

In November of 1837, my brothers [I] and self-examined the country about Buninyong, Warrenheip, and Lake Burrumbeet, and encamped one night on the now-celebrated Golden Point, Ballarat, little dreaming of the immense wealth beneath us.<sup>66</sup>

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<sup>65</sup> P.L. Brown, ‘Learmonth, Thomas (1818–1903)’, *Australian Dictionary of Biography*, vol. 2, Melbourne University Press, Carlton, 1967.

<sup>66</sup> Thomas Manifold, in *Bride*, 1898, p. 136.

Squatters were seeking new pastures for sheep and cattle. They found the rich, well-watered country around Ballarat eminently suitable, particularly for cattle. Historical plans from the 1840s show that the country was largely comprised of lightly timbered grassy plains interspersed with volcanic hills. The plains were covered in native grasses and other food plants. The area had a good rainfall and was well-watered with creeks and streams, marshy areas and waterholes.<sup>67</sup>

Pastoral runs of vast acreages were claimed and marked and leased from the NSW Government for an annual license fee of £10. Early pastoral runs taken up included Burrumbeet (Ercildoune), Buninyong, Ballarat, Dowling Forest, Wendouree, Warraneep, Bانشaw (Bonshaw), Glendaruel and Peerewerrn.<sup>68</sup> Within a very short time, the map of Dja Dja Wurrung and Wadawurrung Country had become a mosaic of foreign ownership (FIGURE 3.29).

Brothers Thomas and Somerville Learmonth took up the Burrumbeet (Ercildoune) run in 1837, which covered a large portion of the present-day area of Ballarat. Part of this run was later surveyed for the Buninyong township. Thomas Learmonth, who took up the 'Ercildoune' run (outside the study area) on the Leigh River (Yarrowee River) in 1838, was described in 1848 as the owner of several fine stations in the Buninyong district.<sup>69</sup>

J.C. Yuille, together with his cousin A.B. Yuille, occupied the Ballarat pastoral run from February 1838, which included the large swamp that bore his name.<sup>70</sup> Several of the shepherd's huts on Yuille's Ballarat run are indicated in the first town survey of Ballarat of 1852. A building known as 'Yuille's Hut' remained extant in 1854 when it was used as a reference point in the description of the official boundary for the new 'Township Reserve of Ballarat'.<sup>71</sup>

W.J.T. Clarke, together with his overseer William Pettett, had taken up the Dowling Forest run in the 1840s. Clarke's later pre-emptive right was acquired in the Dowling Forest area.<sup>72</sup> John Jock Winter's pre-emptive right for Bonshaw lay in the Parish of Cardigan (Sebastopol).

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<sup>67</sup> See, for example, William S. Urquhart, 'Survey of part of the main range near Mount Cole ...', 1849, VPRS 8128, P0002, Unit 2768, PROV.

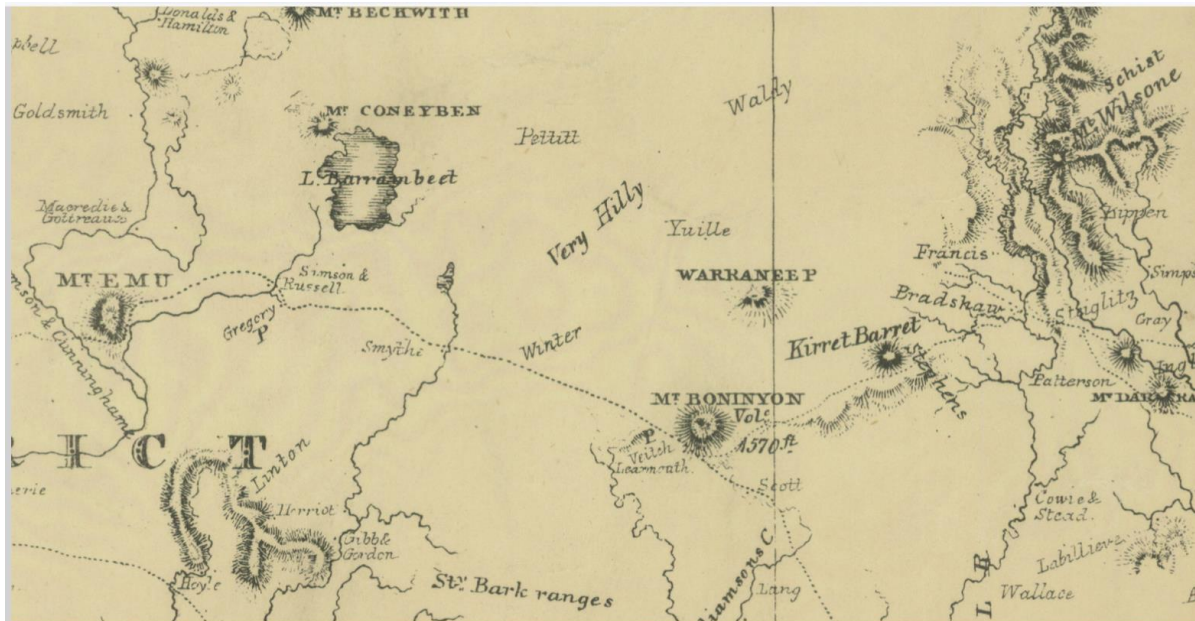
<sup>68</sup> Bride, 1898; Kenyon, 1932.

<sup>69</sup> *Port Phillip Gazette and Settler's Journal*, 24 January 1848, p. 2; Helen Doyle, 'Ercildoune', in Richard Aitken and Michael Looker (eds), *Oxford Companion to Australian Gardens*, Oxford University Press, Melbourne, 2002, p. 203.

<sup>70</sup> Learmonth, 1853, in Bride, 1898, p. 42.

<sup>71</sup> Urquhart, Township of Ballarat, 1852 (PROV); VGG, 24 February 1854, p. 532.

<sup>72</sup> Cahir, 2019 (no page numbers); see also Urquhart, 1849, PROV.



**Figure 2.27** Thomas Ham, *A Map of the District of Geelong*, James Harrison, 'Advertiser' Office, Geelong, 1845. (Source: State Library Victoria)



**Figure 2.28** Thomas Ham, *A Map of Australia Felix*, 1847. (Source: State Library Victoria)

Peter Inglis's Warrenheip run was situated on the Yarowee Creek (Leigh River) and the Gong Gong Creek and occupied the west side of Mount Warrenheip.<sup>73</sup> Inglis ran cattle on

<sup>73</sup> Mining District of Ballarat 1859, VPRS 8168, PROV.

19,000 acres.<sup>74</sup> Warrenheip was subsequently taken up by Le Vet (or Levitt), who ran an unsuccessful pig-raising venture there.<sup>75</sup> Andrew Scott's home station, occupying a 640-acre pre-emptive right, was located between Buninyong and Ballarat.<sup>76</sup>

Aside from a capital outlay on quality stock, squatters benefitted from relatively low establishment costs. They were mostly Scottish, English or Protestant Northern Irish, and brought with them sufficient capital and, for some, social position and education. The pastoral run-holders in the area were all male, but their wives also played an important role in the management of the runs.

Little physical fabric has survived from the early pastoral era. Early shepherd's huts were simple rudimentary buildings, usually built of timber slabs, with a roof made of bark sheets or thatch (FIGURES 3.30, 3.31). Chimneys were also built of timber, external to the house. The earliest homesteads were also timber buildings, generally built of slabs with only a few rooms. Kitchens were usually a separate building. Fencing was minimal in the early pastoral period. Boundaries constituted invisible lines between marked trees and stock was controlled by shepherds. Existing waterways and lagoons served as early sheep washes and as such had minimal built structures apart from a corralling yard. The boundaries of runs were indicated using marked trees, which were recorded on survey plans.

Gardening was an important early activity and provided both an important source of food and cultural links to home. A homestead garden was often fenced close to the home where flowers were cultivated.

After an Order-in-Council of 1847 that granted pre-emptive right to pastoral licence holders of a 'homestead block' of 640 acres (or one square mile), the squatter's earlier rudimentary living quarters could be made more permanent. Several pastoralists, including John Winter, built new homesteads on their pre-emptive right.<sup>77</sup> Sometimes an existing building was accommodated within a larger new homestead. There were generally few early structures on pastoral runs apart from shepherd's huts; any significant buildings, such as the homestead, the store and the shearing shed, were located on the homestead block.

The squatters' pre-emptive rights were protected from compulsory acquisition—each block representing a one-square-mile exclusion zone to the progress of democracy, and a

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<sup>74</sup> R.P. Whitworth, *Bailliere's Victorian Gazetteer 1865*, Bailliere's, Melbourne, 1865, p. 411.

<sup>75</sup> William Bramwell Withers, *History of Ballarat*, F.W. Niven, Ballarat, 1887, p. 6.

<sup>76</sup> PR plan, VPRS 8168, PROV; Ian D. Clark, 2014.

<sup>77</sup> Geoffrey Blainey, *A History of Victoria*, 2007.



squatters benefitted, however, notably John Winter who became wealthier following the discovery of gold on his property.<sup>78</sup>



**Figure 3.30** Sketch of a shepherd's hut at Ballarat, c.1853. (Source: National Library of Australia)

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<sup>78</sup> Samuel Furphy, *Edward M. Curr and the Tide of History*, ANU E-Press, Canberra, 2013, p. 76.



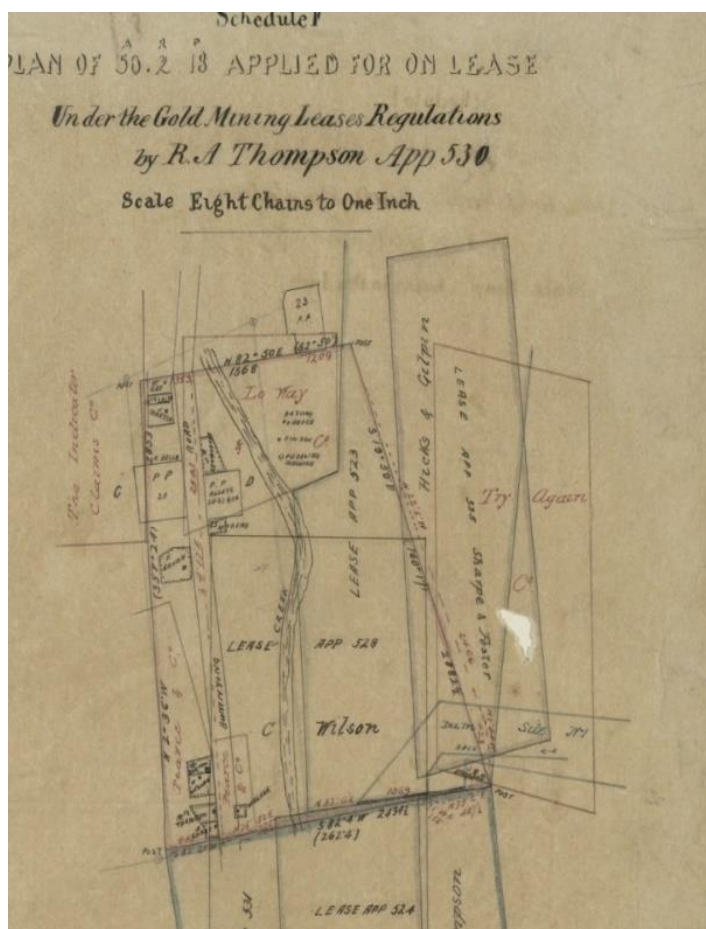
**Figure 3.31** The home station of A.B. Yuille at Ballarat, sketched by Archibald Campbell in 1847. The home station was situated close to Lake Wendouree (Yuille’s Swamp). (Source: National Library of Australia, ref. nla.obj-147155346-m)



**Figure 3.32** ‘Ceres’ homestead, Learmonth, sketched by A.V. Smith, c.1866. (Source: State Library Victoria, Accession No. H1755)

### 3.3.4 Miner's right

The Gold Mining Lease Regulations were provided in 1855 following the *Gold Fields Act of 1855*, which was drafted in the wake of the Eureka Stockade rebellion. The regulations were designed to better manage better the goldfields and give miners greater rights. The holder of a miner's right, for which women were also eligible, were granted the right to occupy a 'claim' as a resident in an auferious district. The claim constituted a small allotment of Crown land secured under a lease arrangement. A miner's right protected the miner from others encroaching on his claim. A miner's right also entitled men the right to vote. The sizes of mining leases varied, but allotments of up to 100 acres were provided for applicants who lived within close proximity to a mining district.<sup>79</sup> Smaller areas were provided in built-up areas.

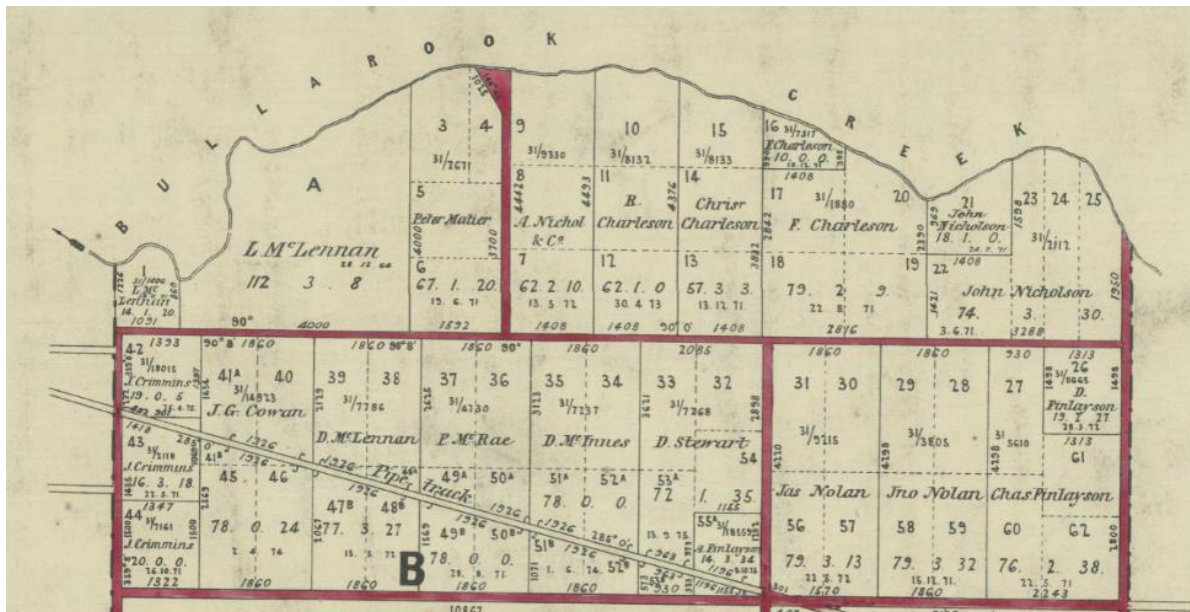


**Figure 3.33** Map prepared for the application of R.A. Thompson for a mining lease, 1887, illustrating the haphazard arrangement of mining leaseholds. (Source: State Library Victoria)

<sup>79</sup> *Argus*, 1883; Phillippa Nelson and Lesley Alves, *Lands Guide*, 2009, p. 269.

On large claims, miner's rights were developed as small farms. Miners made application for an allotment of land in a location that was both convenient to their mining activity and suitable for farming or grazing purposes. Miner's rights were only available to miners who were actively prospecting.

Additional security was awarded to holders of a miner's rights under the *Mines Act 1865*, which gave miners a right of residency akin to ownership of title.<sup>80</sup>



**Figure 3.34** Tourella [sic.] Parish Plan, 1878, PROCT29, VPRS 8168. (Source: PROV)

### 3.3.5 Land selection

The democratic values upheld by the diggers on the goldfields strongly influenced public debate over the 'land question' in Victoria in the 1850s. This referred to the claims by small-time settlers for the right to an area of their own land to farm for productive use. Those agitating for land reform sought to break the hold of the squatters on the land and provide a means for small holders to take up farming. This movement drew on an idealised Old World image of the virtuous 'yeoman farmer' making a living on the land. The agitation for land reform in Victoria enabled the development of small farming through the introduction of the miner's right in 1855 and the selection acts in the 1860s.<sup>81</sup>

<sup>80</sup> Nelson and Alves, 2009, p. 269.

<sup>81</sup> Dingle, 1984, p. 58; Phillippa Nelson and Lesley Alves, *Lands Manual: A guide to finding records of Crown land at Public Records Office Victoria*, Public Record Office Victoria, Melbourne, 2009.

The Land Acts of the 1860s, referred to collectively as the selection acts, were passed through parliament in 1860, 1862 and 1865. Charles Gavan Duffy, an Irish nationalist, was the Premier of Victoria at the time of the passage of the *Land Act* of 1860 which first enabled free selection. Duffy challenged the inequity of the system of land ownership in Victoria which privileged the wealthy squatting class. Land reform was also championed by politician James Grant who had supported the miners at Eureka, and Irishman Peter Lalor, the hero of the Eureka rebellion, who had entered politics in 1855 representing Ballarat.



**Figure 3.35** Pine Park station, Weatherboard, c.1905. (Source: Museum Victoria, Item MM 1178)

The Land Act of 1860 made large areas of Crown land, formerly held under pastoral leasehold, available for purchase. Individuals were entitled to apply for a 'selection' of up to 320 acres. Despite the intent of this new legislation, however, many pastoralists managed to retain significant holdings in the Ballarat area and to gain additional freehold land through various legal loopholes. One common practice was 'dummying', where a landowner would purport to be occupying a land selection by parking a moveable timber hut (known as a 'dummy hut') on land that he had applied for under the Act by using a willing proxy.<sup>82</sup> The 1865 Land Act remedied some of the loopholes and also allowed occupation before purchase, on the condition that improvements to the land were made by the applicant.

### 3.3.6 Commons

Commons, which represent an area of land in common, were a long-established practice in England, where small farmers were more often tenants and did not have title to the

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<sup>82</sup> Dingle, 1984, p. 61.

land they farmed or may only have had ownership of a small area that was insufficient for grazing stock.<sup>83</sup> Commons were introduced in Victoria in the wake of the commission of inquiry into the Eureka Stockade and were provided as a measure towards land reform. In 1857, a Land Convention in Melbourne had 'called for diggers and farmers to have access to commonage for small-scale grazing'.<sup>84</sup>

The Land Act of 1860 in Victoria made provision for farmers' commons, town commons and goldfields commons, which established an area of common land that could be put to productive use, including grazing.<sup>85</sup> Farmers' commons were available to selectors in a particular area for the grazing of stock, including dairy cows, sheep and horses. They were managed by the local council and a herdsman was generally appointed for day-to-day management. They were not intended for the use of pastoralists (those holding a pastoral leasehold). Farmers' commons were reserved at Tourello, Glendaruel, Addington and Ascot in 1861, and at Burrumbeet and Windermere c.1862.<sup>86</sup> Goldfields commons, which were set aside in mining areas and subject to a similar management regime, were established at Ballarat East, Ballarat West and Buninyong.<sup>87</sup>

### 3.3.7 Closer and soldier settlement

Closer settlement schemes, instigated and managed by the Lands Department in the 1890s and early 1900s, were developed through the government's acquisition of large pastoral properties (or part thereof) and the subdivision of this land into a number of smaller holdings. Soldier settlement, developed in Victoria from 1917, was a form of closer settlement. There was limited closer and soldier settlement in what is now the City of Ballarat, partly because, by the late-nineteenth century, there were few large pastoral estates and much of the area was already occupied with small farms. There were soldier settlement blocks offered at Tourello in around 1920, where settlers were initially occupied with cropping and dairying.<sup>88</sup>

Following the Second World War, a number of large estates in Victoria were compulsorily acquired for the purpose of closer and soldier settlement. The homes built for soldier

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<sup>83</sup> Davies, 2018b.

<sup>84</sup> J.M. Powell, *The Public Lands of Australia Felix*, 1970, p. 66, cited in Peter Davies et al., 'Common to all Miners: The Inglewood Gold Field Common', *Provenance: The Journal of Public Record Office Victoria*, issue no. 16, 2018b.

<sup>85</sup> Peter Davies, Susan Lawrence and Karen Twigg, 'Grazing was not mining: Managing Victoria's goldfields commons', *Geographical Research*, 56, 2018a, p. 3

<sup>86</sup> *VGG*, 1 March 1861, p. 439; *VGG*, 22 December 1863, p. 2284.

<sup>87</sup> Davies et al., 2018a, p. 6.

<sup>88</sup> *Ballarat Star*, 23 September 1922, p. 11; *Argus*, 3 November 1930, p. 3.

settlers on the new farming properties in the late 1940s and 1950s were simple, timber-framed modern homes, which were often triple-fronted. Many of the house designs for soldier settler homes in Victoria was provided by the Geelong architects Buchan, Laird and Buchan.<sup>89</sup> Estates within (or partly within) the present-day City of Ballarat that were broken up for soldier settlement after the Second War included 'East Mt Mitchell', Ballarat (18 blocks); 'Carngham', Ballarat (18 blocks); and Parkin's at Kingston–Ballarat (2 blocks).<sup>90</sup>

### 3.3.8 Migration

Migration has defined and shaped Ballarat and its wider region since the late 1830s. In the 1850s, there was an enormous influx of people to Ballarat from all over the world, attracted by the Victorian goldrush. There was a reduced but nevertheless steady stream of new arrivals through the nineteenth and early twentieth centuries. Immigrants were predominantly from Britain and Ireland. The 'White Australia policy', in force from 1900, prevented many people from non-European nationalities from immigrating to Australia. A significant number of new migrants, mostly from Britain and Europe, arrived in Ballarat in the postwar period when a migrant hostel was established at Victoria Park. Since the late twentieth century, there has been an increase in immigrant numbers to Ballarat, including new arrivals from many non-European backgrounds.

### 3.3.9 Native Title

The various forms of land acquisition made available in Victoria were denied to Aboriginal people. Following the High Court's Mabo decision of 1992, however, there was a new opportunity for Aboriginal people to claim native title to their Ancestral land and water.

The federal *Native Title Act 1993* enables Traditional Owners to apply for Native Title to land to which they have ongoing ancestral and cultural connections. In 2022, Wadawurrung Traditional Owners filed a large Native Title application at the National Native Title Tribunal relevant to the City of Ballarat.<sup>91</sup>

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<sup>89</sup> Rosalind Smallwood, *Hard to Go Bung*, Hyland House, Melbourne, 1992, chapter 10.

<sup>90</sup> Smallwood, 1992, pp. 243, 246.

<sup>91</sup> National Native Title Tribunal, <https://www.nntt.gov.au/>