BRITISH COLUMBIA LAW INSTITUTE

Exploring legal mechanisms for the transfer of land to Indigenous governing bodies in BC

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Disclaimer

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Image Credit

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Executive Summary

The United Nations (UN) General Assembly passed the Declaration on the Rights of Indigenous People (UNDRIP) in 2007. UNDRIP guarantees several rights of Indigenous peoples worldwide. In 2019, the government of British Columbia (BC) Passed the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA), domesticating the provisions of UNDRIP. One of the core mandates of DRIPA is to bring BC laws in alignment with the provisions of UNDRIP.

This paper provides a comparison of escheat frameworks and, where they exist, mechanisms for supporting land transfers to Indigenous Peoples within those frameworks. Escheat refers to the reversion of land to the Crown when it appears to have no owner. It is based on an assumption that land ultimately belongs to the Crown.

British Columbia Law Institute (BCLI), a not-for-profit law reform agency in BC, set up the Escheat Act Modernization Project Committee ("the Committee") to specifically review the BC *Escheat Act* and make policy recommendations for aligning the law with UNDRIP as stipulated under DRIPA. The core provision of the *Escheat Act* is to facilitate a process whereby the unclaimed property belonging to an intestate (a person who dies without a will) or a deregistered company reverts to the Crown (in this case, the government of BC). This law is inconsistent with the UNDRIP. Over 90% of land in BC is unceded (i.e., the title was never passed to the Crown at any time in history) and there is no basis in law to support the assumption that land is ultimately owned by the Crown. Hence, the Committee aims to make proposals that seek to facilitate the transfer of land to Indigenous communities following escheat, in alignment with DRIPA and UNDRIP.

In support of this project, my research conducted a literature review of existing mechanisms in Canadian provinces, New Zealand and Australia for the transfer of property to Indigenous communities to ascertain how those mechanisms could be relevant to post-DRIPA BC. The review examined laws and government policies in the identified jurisdictions to provide insight into Indigenous property transfer.

The research reveals some important insights. First, in the Canadian provinces examined, very little evidence exists of mechanisms for transferring property to Indigenous communities following escheat. Second, in New Zealand and Australia, where we found some examples, no separate mechanisms were created for escheats. Instead, the mechanisms were for the transfer of state (Crown) land (regardless of how they became state land) to Indigenous communities. Hence, these jurisdictions have not abolished the notion of Crown reversionary interest in land. Finally, our research finds that where mechanisms for transfer exist, there is an additional legal framework providing rules regulating the affairs of the bodies taking over the property.

Introduction

When British Columbia (BC) enacted the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) in 2019, it marked a change in the recognition of Indigenous rights by the BC government. Given the provisions of the United Nations Declaration on the Rights of Indigenous People (UNDRIP), passing DRIPA meant that the province was officially taking a one-of-a-kind step among settler-colonial states to cement the recognition of Indigenous rights in BC. However, though DRIPA is a powerful legislation, it is one step in the implementation of UNDRIP in BC. Further legal reform needs to take place to give full effect to the intent of DRIPA.

Background

The domestication of UNDRIP in BC is an essential milestone in recognizing Indigenous rights in settler-colonial states. UNDRIP's purpose is to provide minimum standards for the "survival, dignity and well-being of the world's Indigenous peoples."[1] Consequently, the Declaration's provisions are meant to guide legislators in jurisdictions around the world. This is particularly important in settler-colonial states that have to wrestle with the comingling of settlement and Indigenous laws, especially in the recognition of land rights. In BC, over 90% of land is unceded.[2] Therefore, there was no legal agreement at any point in history extinguishing Indigenous Peoples' ownership of most of the land in the province. This fact and the domestication of UNDRIP via DRIPA make legal reform aimed at reconciling the laws of the Province with the principles of UNDRIP of the utmost importance.

On the other hand, the underlying principle of escheat is a presumption of Crown property ownership. This flows from a legal principle of the British feudal system, which holds that the Crown holds a reversionary interest in land where it has no owner. Consequently, a reversion to the Crown occurs when there is a break in the chain of property ownership. However, this principle does not align with UNDRIP, which guarantees the land rights of Indigenous Peoples. The Crown (in this case, the government of BC) cannot hold a reversionary interest in land that would, in principle, belong to Indigenous communities.

[1] Article 43, United Nations Declaration on the Rights of Indigenous People, 2007

[2] See Emma McIntosh, "What we mean when we say Indigenous land is 'unceded'" National Observer, January 24th 2020, Available at https://www.nationalobserver.com/2020/01/24/analysis/what-we-mean-when-we-say-indigenous-land-unceded See also Jackie McKay, "B.C. regional chief decries 'fear mongering' over proposed changes to Land Act" CBC, February 13, 2024 available at https://www.cbc.ca/news/indigenous/b-c-land-act-dripa-1.7112974#:~:text=Most%20of%20B.C.'s%20First,Crown%20land%2C%20or%20unceded%20territory.

The above background sets the stage for the Escheat Act Modernization Project Committee ("the Committee") by the British Columbia Law Institute (BCLI). The Committee has the stated purpose of examining the BC *Escheat Act* and making recommendations for reform of the Act in alignment with the provisions of UNDRIP and DRIPA. In the performance of its function, the Committee would examine several mechanisms for the transfer of property to Indigenous communities around the world to understand the alternative mechanisms in other jurisdictions that could be applied in BC. This would subsequently inform their recommendations for possible amendments to the *Escheat Act*.

While legal reform can take many forms, the focus here is on legislative reforms. Escheat is an area of law where the Crown has a high level of discretionary power and an area that has evolved through the common law as well as legislation. Reform of legislation can offer greater sustainability and clarity around how the law is to be interpreted and applied.

Research Approach

Two legal research approaches were employed in exploring mechanisms from other jurisdictions. They are briefly explained below:

Doctrinal Method

Doctrinal research refers to the "synthesis of various rules, principles, norms, interpretive guidelines and values"[3] drawn from primary sources (legislation, policy, and case law) and legal scholarship. In examining alternative mechanisms, our focus was to consider primary sources of law (specifically legislation and regulations/policy) on escheat and bona vacantia (ownerless property) to identify and scrutinize the mechanisms present in them. The use of doctrinal research methods also extends to comparative legal research.

Literature Review

The term "literature review" is used in research to mean one of two things. In the first instance, it represents an important step before commencing research. Here, the researcher tries to provide a broad map of the existing body of knowledge in the area of research contemplated and identifies what is missing from that body of knowledge. On the other hand, literature review could be adopted as a standalone method. In this instance, the research engages the literature on an identified subject to ascertain what the state of the art is on the specific issue.[4] In relation to the

[3] Terry Hutchinson & Nigel James Duncan, "Defining and Describing What We Do: Doctrinal Legal Research", (2012), Deakin Law Review, vol 17, no1, 83 – 119 at 84

[4] Hannah Snyder, "Literature review as a research methodology: An overview and guidelines" (2019), Journal of Business Research, 104, 333-339 at 334

project, the use of literature review as a method involves surveys of the literature from the identified jurisdiction to understand the existing framework for the transfer of property to Indigenous communities.

Mechanisms for Transfer of Property following Escheat in Canada, New Zealand and Australia

Our goal was to provide information on how ownerless property is handled in jurisdictions excluding BC. Consequently, the jurisdictions we considered had certain characteristics. Those characteristics are described below:

Presence of Legal Framework for Escheat

Since the Committee's work is specific to the *Escheat Act*, it is essential that any jurisdiction considered for research has some form of framework where property held by an intestate or a dissolved corporation reverts to an institution. While it is not important that the identified jurisdiction referred to this process as escheat, the characteristics described above are important since the law under consideration in BC has the same elements.

Settler-Colonial Jurisdiction

The jurisdictions we identified for our research are those where Indigenous peoples and settlers coexist. While no two jurisdictions are the same, this ensures that evidence of transfer found from examining such jurisdictions is applicable to BC.

Common Law Jurisdiction

Excluding Quebec, the jurisdictions we examined have their foundation in English common law. BC, like most of Canada, has its legal system rooted in English common law. Hence, it is essential to consider mechanisms from jurisdictions with a common law foundation. However, we found some provisions in the law of Quebec that are worthy of note and are included in our findings.

Canadian Jurisdictions

We considered Ontario, Alberta, and Quebec in Canada. While we were unable to find evidence of direct property transfer to Indigenous communities following escheat, we did find some provisions that could serve as a guide for how the committee might approach amendments to the BC *Escheat Act*. The jurisdictions examined are identified below.

Alberta

The *Unclaimed Personal Property and Vested Property Act*[5] is Alberta's all-encompassing law regarding unclaimed intangible property, unclaimed tangible property (bona vacantia) and vested property (escheat). Section 15 of the Act provides for situations where land vests in the province from various sources and grants extensive powers to the Minister to manage the property on behalf of the province.

The Act makes explicit procedural provisions for dealing with vested property. Some of those considerations are highlighted below.

Claims Procedure

Section 48 of the Act details a procedure whereby any "person, governmental organization or other entity who asserts a claim to that unclaimed personal property or vested property or amount may claim that unclaimed personal property or vested property or amount by filing with the Minister a claim in the form required by the Minister."[6] Following the filing of a claim, the Minister considers it and must provide a decision within 120 days.

Within 30 days of making a decision, the property or payment in lieu of the property (where the property has been sold before the success of a claim) is returned to the successful claimant.

Unclaimed Property Registry

The Minister maintains a repository of detailed information on unclaimed and vested property.[7] There is also an online search tool[8] where any member of the public could obtain records regarding unclaimed or vested property.

Limitation Period

The law in Alberta provides a limitation period of 10 years for bringing claims related to vested property. Where no claim is made after this period, all rights in the property are extinguished.[9]

[5] *Unclaimed Personal Property and Vested Property Act*, SA 2007, c U-1.5

[6] Such a claim can be made by the owner of the property or a person with a valid entitlement to the land. See section 48(2) *Unclaimed Personal Property and Vested Property Act*, SA 2007, c U-1.5

[7] *Ibid,* s 46.

[8] *Ibid,* s 47.

[9] *Ibid,* s 48 (8)

Quebec

Like Alberta, Quebec's *Unclaimed Property Act*[10] deals comprehensively with the administration of unclaimed property, including both intangible and tangible forms of personal property as well as real estate. While Quebec's property laws differ somewhat from those in common law provinces, the civil property law regime exists against the backdrop of Canada's constitutional framework that recognizes the Crown as the ultimate owner of land. Within this legally plural framework, Quebec's legislation for managing unclaimed property rests on the same principles as in other Canadian provinces, that unclaimed property falls to the Crown to manage.

However, the Quebec legislation clearly states that unclaimed property falls to the Crown for the purposes of administration of the assets and not to benefit the Crown. The overarching purpose of the Act is to promote the recovery of unclaimed property by beneficiaries. The Act refers to the property of others which is entrusted to the Minister to administer.[11]

Registry and Public Notices

Where it falls to the Minister to administer unclaimed property, a notice of this fact must be published in the official gazette as well as newspapers in the locale of the assets. In respect of any real estate, a notice must also be published on the land register.[12]

Liabilities and Subordinate Interests in Property

The Quebec legislation clearly states that the Minister is responsible for debts related to the property under administration. Debts that do not surpass the value of the property are to be paid out.[13]

The provincial government is also empowered to borrow against unclaimed property for the purpose of maintaining real estate in good condition or recovering expenses flowing from liabilities.[14]

[10] *Loi sur les biens non réclamés*, RLRQ c B-5.1.

[11] The French version refers to les biens d'autrui qui son confiés a l'administration du ministre. Paraphrased from s. 14 of the Quebec legislation.

[12] See *Loi sur les biens non réclamés*, *supra* note 10, s 17. This is in contrast with BC where the escheat of land to the AG is a statutory exception to indefeasible title and creates an inaccuracy within the land registry system as noted in memorandum #3.

[13] *Loi sur les biens non réclamés*, *supra* note 10, s 20.

[14] *Ibid*, s 22.

Limitations on the disposal of property

The Minister is restricted in the sale of unclaimed property. Any property with a value greater than $40,000 can only be sold with judicial authorization. The purpose of the court order is to ensure the protection of third-party rights and interests in the liquidation of property.[15]

Accounting

Unclaimed assets are not to be mingled with state assets, and the Minister has an obligation to maintain a separate accounting of property entrusted to the state under the legislation.[16]

Ontario

Like BC, Ontario has an *Escheat Act* that provides for the automatic vesting of property in the province. The Ontario Public Guardian and Trustee (PGT) manages all escheated property on behalf of the Province and has extensive powers to deal with the property as provided for in the Act.

Liabilities

The Act explicitly addresses how liabilities flowing from the escheated property would be dealt with. For instance, section 9(2) provides that land transferred to the PGT by the provisions of the Act does not also transfer the liabilities of the previous owner.[17] Similarly, Section 10(2) grants immunity to the Crown against several acts by the previous property owner.

New Zealand

Section 75 of the *Administrative Act*[18] of New Zealand abolishes the term "escheat" in intestate succession. However, the law does not abolish the reversion of property to the Crown. Section 77 of the same Act provides priority rules when a person dies intestate in New Zealand. Where no one survives the deceased, the estate passes to the Crown as bona vacantia (ownerless property). Consequently, while the term "escheat" has been abolished, the effect of the above-stated section is to create the same effect of property vesting in the Crown.

[15] *Ibid*, s 24. See also *Procureur général du Québec c. Agence du revenu du Québec*, 2024 QCCA 15 at para. 79.

[16] *Loi sur les biens non réclamés*, *supra* note 10, ss 19 & 20.

[17] It is interesting to note that Section 9(2) of the Ontario *Escheat Act* is titled "Debts not passing to Crown." While the subsection does not specifically address debt, the heading might indicate that liabilities include debt.

[18] *Administrative Act*, Public Act, 1969 No 52.

Dealing with Ownerless Property

Section 75 of the *Public Finance Act*,[19] provides that the Minister[20] has the power to deal with ownerless property on behalf of the Crown. The powers of the Minister in this regard include the power of sale. The exercise of the power of sale is subject to a right of first refusal discussed below.

Mechanisms for Transfer of Property to Indigenous Communities

Historical treaty context within New Zealand

The founding document stipulating the relationship between Māori and the Crown is the Treaty of Waitangi.[21] The Treaty sets out the basis of the relationship between the Crown and the Māori people and guarantees several Māori rights. Over the years, many of the rights were dishonoured by the Crown. Efforts to redress those breaches have resulted in several reconciliatory efforts. One of those efforts cumulated in the Treaty settlement process. Treaty settlements are focused on addressing breaches related to land rights. They are in the form of bills that pass through the New Zealand parliament.[22] When passed into law, the settlement terms become binding on the Crown in its relationship with the specific Iwi (a Māori tribe) that it was signed with.

Right of First Refusal

When ownership falls in relation to land, and it passes to the Crown, the Treasurer has the power to sell the property. However, the power of sale is subject to three preceding steps: 1) a consultation to determine if the land is needed for public use, 2) a determination of whether the land should be returned to successors of the previous owner, and 3) a right of first refusal under a treaty settlement with the Māori if the land has been designated under a treaty settlement.[23]

Māori Protection Mechanism/Treaty Settlement Land Bank

A treaty settlement must be passed by the New Zealand parliament for a right of first refusal to exist. Consequently, land that may be subject to a future settlement would not benefit from the right of first refusal. The Māori Protection Mechanism addresses this issue. Under this

[19] *Public Finance Act Public Act*, 1989 No 44.

[20] The Minister is the Treasurer or a person authorized by the Prime Minister to carry out the functions set out in the Act. *Ibid,* s 2.

[21] See https://www.waitangitribunal.govt.nz/publications-and-resources/school-resources/treaty-past-and-present/section-5/#:~:text=The%20Treaty%20of%20Waitangi%20is,see%20that%20everyone%20obeys%20them.

[22] See https://teara.govt.nz/en/te-tai/about-treaty-settlements

[23] It is important to note that the right of first refusal is not limited to only property acquired by the Crown via bona vacantia; it applies to all land sales by every department of the Crown. See <https://www.linz.govt.nz/guidance/crown-property/crown-property-disposals>. See also https://www.linz.govt.nz/guidance/crown-property/treaty-settlements/right-first-refusal-rfr#c-0-s-0

mechanism, land that could be subject to future treaty settlements is placed in a regional land bank to be used to satisfy future land settlements.[24] Hence, this mechanism protects land pending the execution of a settlement.

Pending Legal Reform

In 2021, the Law Commission of New Zealand released a report proposing sweeping changes to succession laws. The recommendations relevant to ownerless properties are summarized below.

Exclusion of Māori Personal Property from Succession Law

The Commission recommends removing Taonga (Māori personal property having social or cultural value) from contemplation under succession law. Hence, reference to personal property in the statutes would exclude any property falling within this category. Specifically, the Commission recommends that "*taonga should not be available to meet any entitlement or claim under the new Act or entitlement under the new intestacy provisions.*" This recommendation might have far-reaching implications as it might suggest that the property of an intestate (if defined as Taonga) would not be distributed according to the rules of succession. Additionally, the property may not be available for distribution under a will.[25]

Discretionary Distribution to Māori

While the Commission does not recommend the abolition of property reversion to the Crown, it does recommend an expansion of the categories of persons or groups the Crown can transfer property to. Currently, section 75 of the *Administrative Act* allows the Crown to distribute ownerless property to dependents of the intestate and "any organization, group or person for whom the intestate might reasonably be expected to have made provision." The Commission recommends expanding this provision to accommodate distribution to "charities, community groups, whānau, hapū or iwi groups or other organizations." The Commission also recommends the implementation of a fair distribution process and encourages the Crown (Treasury) to create a transparent process and publish guidelines for discretionary distribution.

The New Zealand government accepted all the recommendations of the Commission but also noted that implementation would take years.[26]

[24] See https://www.linz.govt.nz/guidance/crown-property/treaty-settlements/treaty-settlements-landbank-and-maori-protection-mechanism

[25] See https://www.lawcom.govt.nz/assets/Publications/Reports/NZLC-R145.pdf, pages 92, 95 & 96.

[26] See https://www.lawcom.govt.nz/our-work/review-of-succession-law/tab/government-response

Australia

Unlike New Zealand, succession is legislated and administered by states in Australia. Consequently, the escheat/bona vacantia laws are state laws. However, two federal statutes impact the recognition of property rights across the country; these statutes are identified and introduced below:

Aboriginal Land Rights (Northern Territory) Act 1976

While the Act applies to the Northern Territory, Australian states have legislated their version of the Act.[27] The Act creates a land trust system where Aboriginal land is held in trust as an "inalienable freehold."[28] Consequently, though a trust could lease land it holds, it does not have the power to sell it. Under the Act, Aboriginal people can only make claims over land in which no other person has an interest, unalienated Crown land, or land owned by Aboriginal people.[29]

Corporations (Aboriginal And Torres Strait Islander) Act 2006

Unlike the Aboriginal Land Right Act, this Act applies across Australia. It provides a framework for the registration of Aboriginal corporations, which are corporations set up to pursue objects that are important to Aboriginal people, including land matters. These corporations serve as the vehicle for Indigenous land ownership under the laws of Australian states. The law creates specific rules concerning membership, purpose, and dispute resolution mechanisms for Aboriginal corporations.

Escheat Laws in Australia

As earlier indicated, succession law in Australia is legislated at the state level. Hence, each state has a law or laws providing for the administration of an intestate's estate. However, the provision on intestate succession is quite similar across states. Just as in Canadian provinces and New Zealand, the law provides rules regarding the priority of descendants that could claim the property of an intestate, and where there is no survivor, the Crown becomes the property owner.[30]

On the other hand, property belonging to a deregistered company is administered per the Companies Act 2001, a federal legislation. There is no state registration of companies in Australia,

[27] See Aboriginal Land Rights Act 1983- New South Wales, Aboriginal Land Act 1991 – Queensland, Traditional Owner Settlement Act 2010 – Victoria, Aboriginal Lands Trust Act 2013 – South Australia, and Aboriginal Lands Act 1995 - Tasmania

[28] See Section 4, Aboriginal Land Rights (Northern Territory) Act 1976

[29] Ibid, Part II

[30] See Section 37, Intestacy Act 2010 – Tasmania. See also, Second Schedule, Succession Act, 1981 – Queensland

as is the case in Canada. Hence, property belonging to corporations at deregistration is transferred to the Australian Securities and Investments Commission (ASIC) or the Commonwealth (the Australian Government), where land is held in trust by the deregistered company.[31] The said property is eventually sold for the benefit of the Commonwealth.[32]

Additionally, similar to New Zealand, there are no provisions for direct property transfer to Indigenous communities following escheat. The above notwithstanding, Tasmania, for instance, extends the category of persons that could claim property that has escheated to the Crown to include "any other individual or person."[33] Additionally, the law makes special provisions regarding the estate of an Aboriginal person. In this case, the category of people who can claim the estate includes "a person claiming to be entitled to share in an intestate estate under the laws, customs, traditions and practices of the Indigenous community or group to which an Indigenous intestate belonged."[34]

Mechanisms for Transfer of Property to Aboriginal People

While most states have a version of the Aboriginal Land Rights (Northern Territory) Act 1976,[35] Queensland's Aboriginal Land Act 1991 provides an extensive legal framework for property transfer. Some of its key provisions are provided below:

Available Land

For any land to be subject to a claim by any Aboriginal group, the land must be available for disposal. The state must own the land, and the state's ownership must be to the exclusion of any other person.[36] Ultimately, the state has the discretion to classify any land as available.[37]

Claims

Indigenous people concerned with the land in question can claim the land to the Minister of Justice, who considers the said claim.[38] The claim is considered in line with the provisions of the Act and rules regarding the availability of land.

[31] See Section 601 AD, Corporations Act 2001

[32] Ibid Part 9.7

[33] See Section 37 Intestacy Act, 2010-Tasmania

[34] Ibid Section 34

[35] Supra note 27

[36] See section 24, Aboriginal Land Act 1991 - Queensland

[37] Ibid, Section 10 and 37

[38] Ibid, Section 35 and 36

Deed of Grant

Where claims are granted, a Deed of Grant in Trust is issued to a corporation to hold the land in trust on behalf of the Aboriginal people. While the corporation can grant a lease, the corporation cannot sell the land.[39]

Summary of Findings

To summarize the research results, we have provided a table below that provides a snapshot of our findings in Appendix A. The table is structured to pull out specific information based on the research objectives.

Conclusions

While the *Escheat Act* project is specific and targets a discrete topic, the overall aim of UBC Sustainability is to promote sustainability. Hence, it is only fitting that the research concludes by relating this comparative study to the BC context. As earlier mentioned, we did not identify direct mechanisms for transferring property from an intestate or deregistered company to Indigenous communities. However, what we did identify are themes across the jurisdictions examined that promote sustainability and certainty in how unclaimed land is managed and are worth mentioning. Two important themes stood out and are described below:

The Importance of Disclosure

The BC *Escheat Act* lacks transparency around the process for discovering, managing and distributing property which escheats. Some of the jurisdictions examined above provide for greater transparency regarding property which escheats and the process for dealing with it. UNDRIP recognizes the need for fair, open, and transparent decision-making processes for adjudicating Indigenous Peoples' rights in lands and resources.[40] Adequate disclosure of relevant facts is a key consideration in the reform of this area of law with a view to alignment with UNDRIP. For instance, fairness and transparency considerations relate to the internal process of any agency of government in charge of managing property that escheats.[41]

[39] Ibid, Section 120

[40] UNDRIP, Articles 27 & 28.

[41] See our findings in Alberta and Quebec

Dialogue with Indigenous Communities

The nature of settler-Indigenous relationships necessitates dialogue. This is because the legal systems of different Indigenous communities differ from settler laws. Consequently, legal concepts could bear different meanings depending on the group in question. As we noted in New Zealand, the existing mechanism for the transfer of property is a product of extensive deliberations between Indigenous communities and the New Zealand Crown. Beyond the process of law-making, it is also important to create systems that enable continuous dialogue and relationship-building with Indigenous communities.

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11. Traditional Owner Settlement Act 2010 – Victoria
12. Aboriginal Lands Trust Act 2013 – South Australia
13. Aboriginal Lands Act 1995 – Tasmania
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15. Intestacy Act 2010 – Tasmania
16. Succession Act, 1981 – Queensland
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10. See https://www.lawcom.govt.nz/our-work/review-of-succession-law/tab/government-response

Appendix A (Research Finding Grid)

	Ontario	Quebec	Alberta	New Zealand	Australia
Who Holds Property Following Escheat	Public Guardian and Trustee Property	The State	The State	The State	The State
Status of Holder	Trustee On Behalf of the State who holds Freehold Interest	Trustee on behalf of the Estate	Legal Owner (Freehold Interest)	Legal Owner (Freehold Interest)	Legal Owner (Freehold Interest)
Mechanism for Transfer of Property to Indigenous Communities Following Escheat	N/A	N/A	N/A	Indirectly through the Right of First Refusal and Protection Mechanism	Indirectly through Queensland's Aboriginal Land Act
Nature of Title Transferred to Indigenous Communities following Escheat	N/A	N/A	N/A	Freehold Interest	Perpetual Lease with State retaining reversionary interest