



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: VID1466/2025
NNTT number: VC2025/002

Application Name: Perry James Wandin & Ors on behalf of the Wurundjeri Woi-Wurrung People and State of Victoria & Ors (Wurundjeri Woi-Wurrung People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 30/10/2025

Current stage(s): Currently identified for registration decision, Pre-notification

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

Registration decision status: Currently identified for Reg. Decision

Registration history: -

Applicants: Darcy Cohen-Hunter, Malcolm Hoyer, Mark Kolasa, Michelle Mills, Carolyn O'Halloran, Margaret Evelyn Parisi, Daniel Ross, Kathleen Terrick, Jara Wandin-Dow, Perry James Wandin, Oscar Wilson

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Additional Information

Not applicable

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 (**Claim Area**), are the persons described as follows:

2. The native title holders are those living Aboriginal people who satisfy the following criteria:

(a) are descended from one or more of the following ancestors:

i. Billibellary

ii. Burronkigilgurek

iii. Bungarim

iv. Malcolm Dorobauk / Myngderrar

v. Ninggollobin / Ningulabul / Captain Turnbull

vi. Winberri

vii. Murrumbear

viii. Barla

ix. Bebejan

x. Jack Weatherly

xi. Nerrim Kurruk

xii. Simon Wonga

xiii. William Barak

xiv. Annie Borate

xv. Any other person living at or before 1836 who is attested as a member of a Woi-wurrung speaking clan or family; **and**

(b) Identify themselves as Wurundjeri, Woi-wurrung, Yarra Yarra or Yarra Tribe under the traditional laws and customs applicable to the Claim Area (see **Attachment C**).

Native title rights and interests claimed:

1. In areas where native title rights and interests have not been extinguished, as defined in Schedule B, including areas where any such extinguishment is required to be disregarded pursuant to ss 47, 47A, 47B or 47C of the NTA, the native title rights and interests claimed are the rights to possession, occupation, use and enjoyment of those parts to the exclusion of all others.

2. In areas where native title rights and interests are or have been partially extinguished:

(a) the right to "speak for" the land and waters;

(b) the right to make decisions about the use and enjoyment of the land and waters;

(c) the rights to have access to, remain on and use the land and waters for any purpose;

(d) the rights to have access to and take the resources of the land and waters;

(e) the rights to protect places, sites, areas, and things of cultural significance on the land and waters; and

(f) the rights to maintain their distinctive spiritual, cultural, material, and economic relationship with the land and waters and other resources.

Details of any activities in relation to the land or waters currently carried on by the native title claim group.

Activities currently carried on:

3. Wurundjeri Woi-wurrung people live on the Claim Area, are recognised by other First Nations people as the Traditional Owners of the Claim Area (save for disputes with some First Nations people in some areas only that are the subject of overlapping claims). Wurundjeri Woi-wurrung people are also recognised by the State of Victoria, and many members of the non-Indigenous Victorian community as the Traditional Owners of the land and waters of Wurundjeri Woi-wurrung country.

4. Wurundjeri Woi-wurrung people have been recognised by the Parliament of Victoria in respect of their Woi-wurrung language and their deep and continuous spiritual connection from the Dreamtime when Ancestral beings shaped the sky, land, waters, animals, plants, and people. Wurundjeri Woi-wurrung people currently act to protect their country, making decisions about the use and enjoyment of the land and waters, and maintaining Wurundjeri Woi-wurrung people's distinctive spiritual, cultural, material, and economic relationship with the land and waters and other resources.

5. The *Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017* states in its Preamble:

"The Yarra River is of great importance to Melbourne and Victoria. It is the intention of the Parliament that the Yarra River is kept alive and healthy for the benefit of future generations.

This Act recognises the intrinsic connection of the traditional owners to the Yarra River and its Country and further recognises them as the custodians of the land and waterway which they call Birrarung.

In the Woi-wurrung language of the traditional owners, Wilip-gin Birrarung murrong means "keep the Birrarung alive". The following statement (in the Woi-wurrung language and in English) is from the Woi-wurrung—

Woiwurrungbaluk ba Birrarung wanganyinu biikpil

Yarrayarrapil, manyi biik ba Birrarung, ganbumarram-nganyinu

Manyi Birrarung murrondjak, durrung ba murrup

warrongguny, ngargunin twarpil

Birrarungwa nhanbu wilamnganyinu

Nhanbu ngarn.ganhanganyinu manyi Birrarung

Bunjil munggany biik, wurru-wurru, warriny ba

yaluk, ba ngargunin twarn

*Biiku kuliny munggany Bunjil
Waa marnakith-nganyin
Ballyang, barnumbinyu Bundjilal, banyu bagurrk
munggany
Ngarn.gunganyinu nhanbu
nyilam biik, nyilam kuliny – balit biik, balit kuliny:
balitmanhanganyin manyi biik ba Birrarung.
Balitmanhanganyin durrungu ba murrupu,
ba nhanbu murrondjak!*

We, the Woi-wurrung, the First People, and the Birrarung, belong to this Country. This Country, and the Birrarung are part of us.

The Birrarung is alive, has a heart, a spirit and is part of our Dreaming. We have lived with and known the Birrarung since the beginning. We will always know the Birrarung. Bunjil, the great Eagle, the creator spirit, made the land, the sky, the sea, the rivers, flora and fauna, the lore. He made Kulin from the earth. Bunjil gave Waa, the crow, the responsibility of Protector.

Bunjil's brother, Palliyang, the Bat, created Bagarook, women, from the water.

Since our beginning it has been known that we have an obligation to keep the Birrarung alive and healthy—for all generations to come."

6. The work of the Wurundjeri Woi-wurrung people, including Elders and community, to develop *Nhanbu narrun ba ngurqunin twarn Birrarung* to inform the work of the Birrarung Council is described in the evidence of Aunty Di Kerr presented in Federal Court proceeding VID363/2020.

7. In July 1985, members of the Wurundjeri Woi-wurrung community and supporters formed the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc (**Wurundjeri Council**) to promote the interests of Wurundjeri Woiwurrung people, to claim their land and protect their heritage

8. The current Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (**Wurundjeri Corporation**) is successor to the Wurundjeri Council. The Wurundjeri Corporation is a registered Aboriginal Party under the *Aboriginal Heritage Act 2006* (Vic) (**AHA**), works on behalf of Wurundjeri Woi-wurrung people to protect their distinctive spiritual, cultural, material and economic relationship with the land and waters and other resources. The work of the Wurundjeri Corporation is not limited to the area of country currently identified under the AHA, nor is the attachment of individual Wurundjeri Woiwurrung people limited to that area of country, see examples in Schedules F and L.

9. Earlier, the Wurundjeri Council, worked to protect Aboriginal cultural heritage in the area prescribed by the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) (**ATSHPA**). Aunty Vicki Nicholson-Brown gave evidence in Federal Court proceeding VID363/2020 about her work as an inspector under the ATSHPA from approximately 1991, working to protect Aboriginal cultural heritage throughout Wurundjeri Woi-wurrung Country, including at Kings Domain, South Yarra, and Braeside Park, Keysborough and the surrounding neighbourhood. There are many other occasions where Wurundjeri Woiwurrung people have worked to protect their cultural heritage on their country.

10. Further details of activities currently carried on are in Schedules F and L.

See **Attachment E** for evidence of Wurundjeri Woi-wurrung Elders.

Application Area: **State/Territory:** Victoria
Brief Location: Melbourne and surrounding region from Woodend to Warragul
Primary RATSIB Area: Victoria
Approximate size: 10423.7267 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: Yes

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

The area covered by the application

1. The boundaries of the Claim Area are shown on the map attached and marked as **Attachment C** and are described in the document entitled '*Description of Boundaries*', which is annexed as **Attachment B**.

Areas within those boundaries that are not covered by the application

2. Subject to [3], [4] and [5] below, the areas of land and waters within the boundaries referred to in [1] above that are not covered by the application are:

(a) any area that is subject to any of the following kinds of acts as they are defined in the *Native Title Act 1993* (Cth) (where the act in question is attributable to the Commonwealth), or *Land Title Validation Act 1994* (Vic) (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.
- (b) any area in relation to which a previous exclusive possession under sections 13H or 13I of the *Land Titles Validation Act 1994* (Vic) was done in relation to the area and the act was attributable to the State of Victoria.
- (c) any area in relation to which a previous exclusive possession act as defined by section 23B of the *Native Title Act 1993* (Cth) was done in relation to the area and the act was attributable to the Commonwealth
- (d) any area where native title rights and interests have otherwise been validly 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 1993* (Cth); or
 - (iii) an existing dedicated public road.
- (e) For the avoidance of any doubt, the application area excludes any areas subject to:
 - (i) Native title determination VID6007/1998, VID482/2009 Gunai/Kurnai People (VCD2010/001) as determined by the Federal Court on 22 October 2010;
 - (ii) Registered Aboriginal Parties (RAP) area for Gunaikurnai Land and Waters Aboriginal Corporation as at the date of this application;
 - (iii) Registered Aboriginal Parties (RAP) area for Wadawurrung Traditional Owners Aboriginal Corporation as at the date of this application;
 - (iv) Registered Aboriginal Parties (RAP) area for Taungurung Land and Waters Council Aboriginal Corporation as at the date of this application; and
 - (v) Registered Aboriginal Parties (RAP) area for Dja Dja Wurrung Clans Aboriginal Corporation as at the date of this application.

3. Notwithstanding anything contained elsewhere in this application, the area covered by the application includes any area in relation to which the non-extinguishment principle (as defined in section 238 of the *Native Title Act 1993* (Cth) applies, including any area to which section 47, 47A, 47B of the *Native Title Act 1993* (Cth) applies or is or becomes the subject of an agreement under s 47C of that Act. Particulars of these areas will be provided prior to the hearing but any area as may be listed in Schedule J is included in the area covered by the application.

4. Where there is any discrepancy between the map provided at **Attachment C** and the written description contained in this schedule and in **Attachment B**, the latter prevails.

Data reference and source

5. Application boundary compiled by the National Native Title Tribunal based on:

- (a) data, information and instructions provided by the applicants;
- (b) Registered Aboriginal Parties (RAP) data sourced from the Department of Premier and Cabinet;
- (c) Registered Aboriginal Parties (RAP) data sourced from the Department of Premier and Cabinet, Office of Aboriginal Victoria, (August 2022);
- (d) Roads and Rivers based on 1:25K topographic data sourced from the Department of Environment, Land, Water & Planning (Vic), March 2021 (reference to roads and rivers to the centreline of those features); and
- (e) Parish data sourced from Department of Environment, Land, Water & Planning, March 2025.

Reference datum

6. Geographical coordinates have been provided by the National Native Title Tribunal 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

7. 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.

8. Prepared by Geospatial Services, National Native Title Tribunal (30 July 2025).

See **Attachment B**.

Attachments:

- 1. Attachment B - Description of Boundaries, 2 pages - A4, 30/10/2025
- 2. Attachment C - Authorised Claim Area, 1 page - A3, 30/10/2025

End of Extract