



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: VID140/2026
NNTT number: VC2026/001

Application Name: Bernadette Ellen Franklin & Ors on behalf of the Taungurung People and the State of Victoria (Taungurung People)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 11/02/2026

Current stage(s): 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.

Date claim entered on Register of Native Title Claims: 31/03/2026

Registration decision status: Accepted for registration

Registration history: Registered from 31/03/2026

Applicants: Bernadette Franklin, Matthew Burns, Isobel Morphy Walsh, Matthew Shanks, Emily Loughron, Beau Murray, Alexander Burns

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Additional Information

Not applicable

Persons claiming to hold native title:

The application is made on behalf of the Taungurung People (the **native title claim group**). The Taungurung

People are those Aboriginal persons who:

(a) descend by birth, or adoption in accordance with the traditional laws acknowledged and the traditional customs observed by the Taungurung People, from one or more of the following Taungurung apical ancestors (listed in alphabetical order):

1. Berrut Dr Billy
2. Birdarak Thomas Michie aka Tommy Bamfield
3. Bundowrok Mr W Cotton and Mrs Fulina Cotton
4. Burnie Jessie Hamilton
5. Charles Tattambo
6. Coeeyrun Peter Hunter
7. Eliza Werry/Michie
8. Ellen Norris
9. Jerkunning Lilly Hamilton
10. John Franklin
11. Talgium William Hamilton
12. Tooterie
13. Wallambyne Polly
14. Wyerdiuerum Dick Richards
15. Yabbee Billy Hamilton

(b) identify as Taungurung persons; and

(c) are recognised and accepted as Taungurung persons in accordance with the traditional laws acknowledged and the traditional customs observed by the Taungurung People.

Native title rights and interests claimed:

A description of the native title rights and interests claimed in relation to particular land or waters is set out below.

Exclusive Native Title

1. Paragraph [2] applies to every part of the Claim Area where there has been no extinguishment to any extent of native title rights and interests or where any such extinguishment is to be disregarded pursuant to sections 47, 47A, 47B or 47C of the NTA.

2. Where this paragraph applies, the native title rights and interests possessed under traditional laws and customs confer the right to possession, occupation, use and enjoyment of the land and waters of the relevant part of the Claim Area to the exclusion of all others.

Non-Exclusive Native Title

3. Paragraph [4] applies to every part of the Claim Area to which paragraph [2] does not apply.

4. Where this paragraph applies, the native title rights and interests possessed under traditional laws and customs confer the right to:

- (a) access, remain on and use the land and waters;
- (b) access, take or use the resources of the land and waters; and
- (c) access, maintain and protect places, areas and things of significance under traditional laws and customs; and to the extent only that the following rights are not described by the rights in subparagraphs (a), (b) or (c) of this paragraph [4], the native title rights and interests confer the right to:
 - (d) live on the land;
 - (e) erect shelters or other structures on the land;
 - (f) hunt, fish and gather on the land and waters of the area;
 - (g) light fires on the area and conduct burning in accordance with traditional laws and customs;
 - (h) conduct ceremonies and maintain intangible spiritual and cultural connections to the land and waters of the area;
 - (i) teach on the area the physical and unbroken intangible spiritual connections of the land and waters;
 - (j) hold meetings on the area;
 - (k) undertake cultural practices relating to birth and death, including burial rites; and
 - (l) take the water and the natural resources of the land and waters of the area.

5. For the avoidance of doubt, nothing in the rights described in [4](d)-(l) above limits the meaning of the rights as set out in [4](a)-(c) above.

6. The native title rights are subject to, and exercisable in accordance with:

- (a) the traditional laws and customs of the native title claim group; and
- (b) the laws of the State of Victoria and the Commonwealth of Australia, including the common law.

Matters to which native title rights do not apply

7. There is no native title in the Claim Area in or in relation to:

(a) minerals as defined in the *Mineral Resources (Sustainable Development) Act 1990* (Vic), as presently in force, as are owned by the Crown;

(b) petroleum as defined in the *Petroleum Act 1998* (Vic), as presently in force, as is owned by the Crown; and
(c) groundwater as defined in the *Water Act 1989* (Vic), as presently in force.

Area Covered by the native title and who holds the rights

8. Each of the native title rights and interests referred to in paragraphs [2] and [4] above exist in relation to that part of the Claim Area to which those paragraphs respectively apply and are held, and exercisable by, the members of the native title claim group subject to and in accordance with traditional law and customs.

Activities currently carried on

9. Details of activities in relation to the land and waters of the Claim Area currently carried on by the native title claim group in exercise of the rights and interests set out above are provided below and are referred to in the affidavits which accompany this application as are affirmed by Isobel Morphy-Walsh and Matthew Shanks.

10. Members of the native title claim group undertake activities on the Claim Area, as their forebears did also, in exercise of rights and interests listed in paragraphs [2] and [4] above which they hold by reason of their acknowledgement and observance of Taungurung traditional laws and customs.

11. Such activities are broadly aggregated under rights to:

- (a) regulate the access to and use of Taungurung country by others;
- (b) access, occupy and remain on the Claim Area;
- (c) access, take and use the natural resources of the Claim Area; and
- (d) preserve and protect significant places, areas and things that are located on or in the Claim Area.

12. More specifically, in relation to the land and waters of the Claim Area, the activities that the members of the native title claim group are currently carrying out are as follows:

- (a) living and being present on the Claim Area and using it and its natural resources for customary, cultural and ceremonial purposes;
- (b) hunting, fishing, collecting and gathering natural resources and using them;
- (c) managing the environment through the eradication of introduced weeds and pests and cultivating native flora and protecting native fauna;
- (d) taking and using the water;
- (e) making and administering medicines from natural resources;
- (f) maintaining places of importance and areas of significance under traditional laws and customs and protecting those places and areas from physical harm;
- (g) regulating and controlling the access to, and use of, the Claim Area by others;
- (h) undertaking cultural heritage protection and education including site clearance, cultural heritage reports and surveys;
- (i) maintaining spiritual connection with certain places, areas and sites;
- (j) transmitting cultural knowledge within the native title claim group.

Application Area:

State/Territory: Victoria

Brief Location: North (Central and Eastern) Victoria

Primary RATSIB Area: Victoria

Approximate size: 20220.9755 sq km

(Note: There may be areas within the external boundary of the application that are not claimed.)

Does Area Include Sea: No

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

The area covered by the application

1. Subject to the [2]-[5] below, the application area covers all the land and waters within the Taungurung Land and Waters Council Aboriginal Corporation Registered Aboriginal Party Boundary (**Claim Area**). A written description of the outer boundary of the Claim Area is provided as **Schedule B Attachment**.

Areas within the boundary of the application that are not covered by the application

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

- (a) any area that is, or was, subject to any of the following acts as defined in the *Native Title Act 1993* (Cth) (**NTA**) or the *Land Titles Validation Act 1994* (Vic):
 - 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;
 - v. Previous exclusive possession acts;
- (b) any other area in relation to which native title rights and interest have otherwise been validly wholly extinguished;
- (c) any area for which there is an approved determination of native title, as defined in the NTA.

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 NTA) applies, including any area to which section 47, 47A or 47B of the NTA applies.

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

5. For the avoidance of any doubt, the application excludes any area subject to:

(a) Native Title Determination VID6001/1995 Yorta Yorta (VCD1998/001) as determined in the Federal Court on 18 December 1998.

(b) Native Title Determination VID6007/1998, VID482/2009 Gunai/Kurnai People (VCD2010/001) as determined in the Federal Court on 22 October 2010.

Attachments:

1. External boundary description, Schedule B Attachment of the application, 1 page - A4, 11/02/2026

2. Map, Schedule C Attachment of the application, 1 page - A4, 11/02/2026

End of Extract