



Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: VID693/2022
NNTT number: VC2022/002

Application name: Patrick Fagan & Ors on behalf of the Wadawurrung Native Title Claim and State of Victoria (Wadawurrung)

Registration History: Registered from 24/07/2023

Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

Application filed with: Federal Court of Australia

Date application filed: 26/10/2022

Date claim entered on Register: 24/07/2023

Additional Information: Not Applicable

APPLICANT:

Person/s authorised as applicant: Patrick Fagan, Greg Robinson, Jamie McPherson, Felicity Polley, Danae Coots, Tyson Edwards, Tracey Evans, Lenny Clarke, Amanda Vrymoet, Lisa Couzens

Condition/s on authority: The Applicant was authorised to make and deal with all matters arising under the Native Title Act in relation to the native title determination, upon the following conditions:

- a. the Applicant is not to make any significant decisions (a right to negotiate) about any area of the land or waters the subject of the application without first obtaining informed consent from the Wadawurrung native title claim group at a properly constituted meeting (or meetings) of the Wadawurrung native title claim group;
- b. the Applicant cannot settle the native title claim without first obtaining informed consent from the Wadawurrung native title claim group at a properly constituted meeting (or meetings) of the Wadawurrung native title claim group; and
- c. the Applicant will do all things reasonably necessary to progress the native title determination application.

Address for service: Matthew Hansen
Extent Legal
Level 2, 10 Outram Street
West Perth WA 6005
Phone: 0401499379
Email: mhansen@extentlegal.com.au

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

Area Covered by the native title application

6. The boundaries of the area of land and waters covered by this native title application are described in *Attachment B* and shown in the map attached at *Attachment C.1 (Claim Area)* and which are not excluded by paragraph 7.

See "Attachment B" & "Attachment C.1"

Areas not covered by the native title application

7. Subject to paragraph 8 and 9, the areas of land and water within the boundaries of the Claim Area that are not covered by this native title application area:

a. any area that is, or was to any of the following acts as defined in the Native Title Act (where the act in question is attributable to the Commonwealth), or the *Lands Titles 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, enjoyment or exercise of any native title rights or interests;

b. any area in relation to which a previous exclusive possession under section 13H or 13I of the *Lands Titles Validation Act 1994* (Vic) was done and that act is attributable to the State of Victoria;

c. any area in relation to which a previous exclusive possession act s [sic] defined by section 23B (including section 23B(7)) of the Native Title Act was done in and that act is attributable to the Commonwealth;

d. any area where native title rights and interests have otherwise been wholly extinguished, specifically, any area where there has been:

i. an unqualified grant of an estate in fee simple;

ii. a public work a [sic] defined in section 253 of the Native Title Act; or

iii. an existing dedicated public road;

e. any area for which there is an approved determination of native title, as defined in the Native Title Act.

8. Notwithstanding anything contained in this native title application, any area of land and waters within the Claim Area includes any area of land and waters where the non-extinguishment principle (as defined in section 238 of the Native Title Act) applies. Particulars of those areas will be provided prior to any hearing or approved determination of native title (as defined in the Native Title Act).

9. Where there is a discrepancy between the map provided at *Attachment C* and the written description contained at *Attachment B*, the latter prevails.

Authorisation Meeting of a Wadawurrung Native Title Claim 10 September 2022

10. The native title claim group held their authorisation meeting on 10 September 2022, resolving to file the native title determination application over the area of land and waters depicted in the map attached at Attachment C.1.

Authorisation Meeting of the Wadawurrung Native Title Claim Group 25 March 2023

11. The native title claim group held an authorisation meeting on 25 March 2023, which authorised the amending of the native title determination application by reducing the area of the application area as authorised at the 10 September 2022 authorisation meeting. The application area was reduced to remove the area of overlap with the Eastern Maar Native Title Application, as it then was (*VID21/2019 Ivan Couzens & Ors on Behalf of the Eastern Maar People v State of Victoria & Ors*).

Authorisation Meeting of the Wadawurrung Native Title Claim Group 21 June 2025

12. The native title clam held an authorisation meeting on 21 June 2025, which authorised the amending of the native title determination application by reducing the area of the application area as authorised at the 25 March 2023 authorisation meeting. The application area was reduced to remove the area of overlap with the Wurundjeri Registered Aboriginal Party area, the area of land and waters of the Wadawurrung native title determination is depicted in the map attached at Attachment C.1.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

5. The Native Title Claim Group is the Wadawurrung peoples, being all persons who:
- a. are biological descendants of apical ancestor, John Robinson (also known as John Robertson); and
 - b. identify as, and are accepted as a Wadawurrung person in accordance with Wadawurrung traditional laws and customs.

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 24/07/2023

13. Subject to paragraph 14, the native title claim group based on customary law, traditions and practices coming down from the ancestors, the predecessors in title, claim the following rights and interests (including the right to engage in the following activities in exercise of those rights and interest carried out in the past, and which are practiced and performed without interruption to this day and time) in respect of the Claim Area:

b. over areas where a claim to exclusive possession cannot be recognised, the native title claim group claims the following rights and interests:

- i. the right of access to the Claim Area;
- ii. the right to camp on the Claim Area;
- iii. the right to erect shelters on the Claim Area;
- iv. the right to live on the Claim Area;
- v. the right to move about the Claim Area;
- vi. the right to hold meetings on the Claim Area;
- vii. the right to hunt on the Claim Area;
- viii. the right to fish on the Claim Area;
- ix. the right to conduct ceremonies on the Claim Area;
- x. the right to participate in cultural activities on the Claim Area;
- xi. the right to maintain and protect places of importance, significance or special significance under traditional laws, customs and practices in the Claim Area; and

14. The native title rights claimed are subject to:

- a. the valid law of the Commonwealth of Australia and the State of Victoria;
- b. the rights (past or present) validly conferred upon persons pursuant to the laws of the Commonwealth of Australia and the State of Victoria; and
- c. the traditional laws and customs of the native title claim group.

REGISTER ATTACHMENTS:

1. External Boundary Description, attachment B of the application, 16 pages - A4, 29/08/2025
2. Amended Claim Area Map, attachment C.1 of the application , 2 pages - A4, 29/08/2025

Note: The Register of Native Title Claims may, in accordance with section 188 of the Native Title Act 1993 (Cth), contain confidential information that will not appear on the Extract.