



# DHUDHUROA, WAYWURRU AND NGURAI ILLUM

## NATIVE TITLE UPDATE

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### IMPORTANT UPDATE

The Applicants and instructing group have received legal advice about the best way to move the current joint native title application forward.

The proposed pathway is for the current joint application to be discontinued, with leave of the Federal Court, and for three separate native title applications to be prepared: one for Dhudhuroa, one for Waywurru and one for Ngurai Illum.

This does not mean the native title process is ending. It means each group may now have the opportunity to prepare a stronger and more focused application based on its own country, history, language, customs, evidence and continuing connection.

The three groups will continue to work closely together and support each other.

## WHY SEPARATE APPLICATIONS ARE BEING PREPARED

The proposed separate applications are intended to allow each group to build the strongest possible case for its own native title rights and interests.

Each of the Dhudhuroa, Waywurru and Ngurai Illum peoples has its own history, country, language, customs, family lines and evidence of continuing connection. Separate applications may allow each group to focus more clearly on those strengths.

### Each group can focus on:

- traditional country
- ancestors and family connections
- language and cultural knowledge
- laws, customs and practices
- continuing connection to country
- native title rights and interests it seeks to have recognised

This approach also helps each group define and explain the concept of "society" in the native title context - that is, the group of people who are united by their traditional laws and customs, and who hold rights and interests in their country under those laws and customs.

## FUNDING

To support the proposed separate applications, MBL has prepared and lodged detailed funding submissions with FNLRS for each of the Dhudhuroa, Waywurru and Ngurai Illum groups.

The submissions seek funding to support claim materials, mapping, consultation, authorisation, certification and filing in the Federal Court.

Members are encouraged to support the funding requests and to respectfully encourage FNLRS to provide the assistance needed to progress the applications.



### Current Issues

- Separate applications
- Claim group meeting
- Funding submissions
- Authorisation and certification
- Taungurung strike-out update
- Next steps



## CLAIM GROUP MEETING

At the meeting, the Dhudhuroa, Waywurru and Ngurai Illum Native Title Claim Group on Thursday 18<sup>th</sup> June at 5pm, will be asked to consider a formal motion concerning the current joint native title determination application, proceeding No VID945 of 2023.

**The motion is:**

**The Dhudhuroa, Waywurru and Ngurai Illum Native Title Claim Group authorises and consents to the Applicant seeking the Federal Court's leave to discontinue the native title determination application (proceeding No VID945 of 2023) and, if leave is granted, to discontinuing the application by filing a notice of discontinuance.**

This proposal does not mean that the native title process is ending. Rather, it is intended to allow the current joint application to be brought to an orderly conclusion so that the Dhudhuroa, Waywurru and Ngurai Illum groups can move forward with the preparation of separate native title applications.

The proposed separate applications would allow each group to focus on its own country, ancestors, history, language, customs, connection evidence and continuing identity. The meeting will also provide an opportunity to discuss the next steps for preparing and progressing the proposed new applications, including mapping, claim group descriptions, apical ancestors, evidence, funding and future authorisation meetings.

## TO REGISTER FOR THE CLAIM GROUP MEETING

**The claim group meeting will be held via Zoom on Thursday 18 June 2026 at 5:00pm.**

For more details about the meeting and to register to attend, go to [www.dwni.com.au](http://www.dwni.com.au) and follow the directions.

## UPDATE ON TAUNGURUNG STRIKE-OUT APPLICATION

Some members may have seen the recent Taungurung newsletter referring to the DWNl native title application.

The Taungurung respondents have filed an application asking the Federal Court to dismiss, or "strike out", the current DWNl application. The DWNl Applicants do not accept that the Taungurung application is necessary or appropriate. However, the Applicants are focused on moving forward in a practical way that protects the interests of the Dhudhuroa, Waywurru and Ngurai Illum peoples.

The Court has noted that the DWNl Applicants intend to convene a claim group meeting on or before 28 June 2026, with a view to filing an application seeking leave for the current joint application to be discontinued.

If the DWNl Applicants file the application to discontinue by the date ordered by the Court, the Taungurung strike-out timetable will not proceed at this stage. The Court will instead deal with the application to discontinue.

## AUTHORISATION AND CERTIFICATION

There are two separate steps that members should understand.

### Authorisation

Authorisation is the claim group's decision. It is where the group decides whether to approve the making of a native title application and who should act as the Applicant. The claim group may also ask FNLRS to consider certifying the application. MBL has written to FNLRS to request advice on their certification policies and practices.

### Certification

Certification is a statutory process under the Native Title Act. As the relevant representative body, FNLRS has the power to certify a native title application if it is satisfied that the authorisation requirements have been met and that all reasonable efforts have been made to properly identify the native title claim group. Certification can assist an application in the registration test process, particularly in relation to authorisation.

## PATHWAY FOR NEW APPLICATIONS

1	Claim group meeting by Zoom to discontinue current joint Application
2	If supported, apply to Court for leave for the joint application to be discontinued
3	Prepare separate applications, maps and claim group descriptions
4	Hold authorisation meetings for each group
5	Ask FNLRS to consider certification
6	File separate applications in the Federal Court

## A POSITIVE WAY FORWARD

This is an important time for the Dhudhuroa, Waywurru and Ngurai Illum peoples.

The proposed move to separate applications provides a positive pathway for each group to speak more clearly for its own country and to prepare a claim that reflects its identity, history, language, customs, evidence and continuing connection.

While the applications may move forward separately, the three groups will continue to work alongside each other, support each other, and build on the work already done through the joint application.



*Moving forward with strength, clarity and connection.*