



Victorian **Aboriginal Heritage** Council

Bringing Our Ancestors Home:

Responses to the Discussion Paper
and Options for Change

November 2013

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Responses to the Discussion Paper
and Options for Change

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Acronyms and abbreviations

Shortened form	In full
ACHRIS	Aboriginal Cultural Heritage Register and Information System
The Act	<i>Aboriginal Heritage Act 2006</i> (Victoria)
Coroners Court	Coroners Court of Victoria
Council	Victorian Aboriginal Heritage Council
OAAV	Office of Aboriginal Affairs Victoria
RAP	Registered Aboriginal Parties



Background

In February 2013, the Victorian Aboriginal Heritage Council (Council) published the Discussion Paper *Bringing Our Ancestors Home; Managing and returning Ancestral Remains in Victoria since the commencement of the Aboriginal Heritage Act 2006*.

The purpose of the Discussion Paper was to explain how the return of Ancestral Remains has been managed since the introduction of the *Aboriginal Heritage Act 2006* (the Act), and to describe some of the issues with the current framework.

Council invited submissions from Traditional Owners and others in response to the Discussion Paper. Questions for consideration focused on legislative changes and supports needed to manage the return of Ancestors to Country.

Council wishes to thank the Registered Aboriginal Parties (RAPs), the universities, the Coroners Court of Victoria (Coroners Court), Museum Victoria, the Office of Aboriginal Affairs Victoria (OAAV) and individuals who took the time to make submissions.

Next steps towards reform

This paper summarises what people said in response to the Discussion Paper and suggests some options for possible amendments to the Act and its frameworks. Legislative changes are currently being drafted by the Victorian Government in response to the review of the Act. As part of this process, Council will be recommending improvements to how the Act deals with Ancestral Remains.

Council acknowledges the particular importance of getting this part of the Act right in order to return Ancestors to Country as quickly and respectfully as possible.

Council is publishing this paper to seek feedback on the options for change. This feedback will inform the advice Council provides to the Minister for Aboriginal Affairs on changes to the Act, and improvements to supporting policies and frameworks. Council also believes the publication of this paper in itself will help to promote understanding and awareness of Ancestral Remains.

It is critical that Traditional Owners and others now take the time to think about these proposals, and to respond with any concerns or suggestions.

Notice to Aboriginal and Torres Strait Islander readers

Every care has been taken to discuss the issues included in this paper as sensitively as possible. However, it must be acknowledged that even while taking this care, there is deep sorrow and pain involved, especially for Aboriginal and Torres Strait Islander peoples.

If you do find these issues upsetting please seek counselling or support through Elders, respected persons or other community members. You may also wish to contact community agencies such as Aboriginal co-operatives and Aboriginal community controlled health organisations.

Council welcomes your feedback

Please let Council know what you think by **2 December 2013**.

You can send your response in one of the following ways:

- Fax: (03) 9208 3292
- Email: vahc@dpc.vic.gov.au
- Mail: Victorian Aboriginal Heritage Council
Department of Premier and Cabinet
GPO Box 2392 Melbourne Victoria 3001

About this paper

This paper follows on from the Discussion Paper and it will be easier to respond after reading the Discussion Paper. The Discussion Paper is available at <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/victorian-aboriginal-heritage-council/25-aboriginal-affairs/471-victorian-aboriginal-heritage-council-news-archive>

For this paper, we have prepared a table, setting out the questions that were asked in the Discussion Paper (Column 1), summarising the responses received (Column 2) and describing options for changing the Act and its frameworks (Column 3).

The proposals for change include:

- Changing the terminology used in the Act to better capture the relationship and responsibilities Traditional Owners have in relation to Ancestral Remains
- Nominating Council as having responsibility for overseeing, monitoring and reporting on the management of Ancestral Remains in Victoria, including supporting RAPs and Traditional Owners in their roles
- Clarifying the roles and responsibilities of all involved in the protection and management of Ancestral Remains, including Council, RAPs, OAAV, Coroners Court, Museum Victoria, land and emergency management agencies, cultural heritage advisors and individuals
- Key parties coordinating better to ensure Ancestral Remains are left *in situ* wherever possible
- Establishing one clear set of principles and processes in the Act for all to follow
- Establishing a database to track repatriation and to protect known burial sites
- Supporting the effective protection, management and repatriation of Ancestral Remains by providing the appropriate resources and training for Council, RAPs and key agencies
- Promoting better understanding in the general community of the importance of Ancestral Remains and the need to return them to Country
- Establish specific penalties in relation to non-compliance by public agencies, land managers and individuals.

Council welcomes feedback on these proposed changes and any other issues you may wish to address.

What people said in response to the Discussion Paper questions

Discussion Paper questions	What people said in response to the Discussion Paper questions	Proposed changes to the Act and its frameworks
<p>QUESTION 1:</p> <p>Do you think it is appropriate to use the term “ownership” in relation to Ancestral Remains?</p> <p>If not, what do you think might be a better way of referring to the rights and responsibilities of Traditional Owners?</p> <p>For example, would custodian be a better term?</p>	<p>1.1</p> <p>Most Traditional Owners who responded preferred ‘custodian’ although some thought ‘ownership’ was a suitable term:</p> <p><i>We do not talk of owning the remains of Ancestors, but speak of our Ancestors and of us belonging to them and our Ancestral remains belonging to us, rather than being as something that can be reduced to the basis of a transaction. Caring for our Ancestors is our inherited essential right that binds us to manage and look after them with care and respect. In this sense then, ‘ownership’ seems out of step with the high esteem and connections we hold for our Ancestors and how we regard and respect the basic right of our Ancestors to be remain buried and to stay on Country.</i></p> <p><i>If the term ‘custodian’ replaced ‘ownership’, the immediate sense is of a person who has custody, possession and is a keeper or guardian. A custodian also implies the position of being entrusted to have the right of possession and in carrying out the role of keeper or guardian... This could be related to an Aboriginal person being a custodian of repatriated Ancestral Remains until there is opportunity for the Ancestor to be reinterred on Country.</i></p> <p>Dja Dja Wurrung Clans Aboriginal Corporation</p> <p><i>Yorta Yorta are not custodians of the Ancestral Remains. They are Yorta Yorta ancestors, therefore there is no issue with the term ownership.</i></p> <p>Yorta Yorta Nation Aboriginal Corporation</p> <p>The response received from the Office of Aboriginal Affairs Victoria (OAAV) noted the problem arises because Western legal systems do not generally deal with collective ownership versus individual ownership as a concept.</p> <p><i>OAAV believes a culturally appropriate definition of ownership... should be adopted that includes a concept of collective ownership.</i></p> <p>OAAV</p>	<p>1.2.1</p> <p>Change the terminology used in the Act to better capture the relationship and responsibilities Traditional Owners have in relation to Ancestral Remains.</p> <p>1.2.2</p> <p>Ensure the definition of Ancestral Remains and secret/sacred objects takes into consideration items buried with Ancestral Remains for ceremonial purposes (grave goods).</p>

What people said in response to the Discussion Paper questions continued

Discussion Paper questions	What people said in response to the Discussion Paper questions	Proposed changes to the Act and its frameworks
<p>QUESTION 2</p> <p>Do you think the current provisions of the Act correctly describe the role that Traditional Owner groups, including RAPs, should have in relation to the management and return of Ancestral Remains?</p> <p>If not, what do you think should be changed or added?</p>	<p>Submissions supported Traditional Owners/ RAPs retaining primary responsibility for managing and returning Ancestral Remains. However, currently Traditional Owners and RAPs are constrained in their ability to manage the return of Ancestral Remains due to a range of factors.</p> <p>Support was also expressed for the provisions about Ancestral Remains in the Act to:</p> <ul style="list-style-type: none"> - Clearly state who Traditional Owners are, with specific reference to RAPs: <ul style="list-style-type: none"> <i>The current provisions of the Act do not define the role of the RAP clearly in terms of Ancestral Remains. The RAPs should be involved throughout the process directly, not just at the discretion of OAAV.</i> <p>Yorta Yorta Nation Aboriginal Corporation</p> <ul style="list-style-type: none"> <i>Museum Victoria acknowledges that its obligation and commitment to repatriation would be greatly assisted by a definition of, or clarity as to who Traditional Owners in Victoria are, and what is the status of such groups in relation to RAPs.</i> <p>Museum Victoria</p> - Set out clearly what should happen when a RAP has not yet been appointed. - Set out principles and processes for managing, returning and protecting Ancestral Remains, including what should happen when Ancestral Remains are discovered or uncovered: <ul style="list-style-type: none"> a) during the preparation of a cultural heritage management plan b) before, during or after any works are undertaken for an approved cultural heritage management plan c) before, during or after any works are undertaken for which a cultural heritage permit is held. 	<p>2.2.1</p> <p>Clarify the role and responsibilities of Traditional Owners and RAPs in relation to Ancestral Remains, including how Traditional Owners are determined. This may be a role for the Council.</p> <p>2.2.2</p> <p>Set out roles, principles, processes (specific steps), timeframes and penalties (for non-compliance) for managing, returning and protecting Ancestral Remains, including:</p> <ul style="list-style-type: none"> a) Ensuring Traditional Owners/ RAPs are directly involved throughout the process following an initial report of Ancestral Remains b) Protecting Ancestors buried on Country (both original burial places and re-burial places) c) Returning Ancestral Remains to Traditional Owner groups/ RAPs for reburial d) Coordinating with the Coroners Court and Victoria Police to ensure Ancestral Remains are left in situ in all possible circumstances, and are returned quickly in circumstances where remains have been removed, or handed in (including considering potential consequent amendments needed to the <i>Coroners Act 2008</i>). e) Requiring any institution, agency or individual in possession of Aboriginal Ancestral Remains to immediately report this to the Council and work with the Council and the relevant Traditional Owner group/ RAP to return Ancestral Remains for reburial.

Discussion Paper questions	What people said in response to the Discussion Paper questions	Proposed changes to the Act and its frameworks
<p>QUESTION 2 continued</p>	<ul style="list-style-type: none"> - Designate one office or agency to oversee the process - Establish a database to track the return of Ancestral Remains - Explain clearly and consistently the responsibilities of Traditional Owners and RAPs, the Coroners Court, Victoria Police, Museum Victoria, OAAV, cultural heritage advisors and others involved in the management and return of Ancestral Remains - Designate who is responsible for the ongoing management and protection of burial places, whether they are original places or places where Ancestral Remains have been returned to Country. <p>Some responses called for the Council to have the responsibility of overseeing the whole process associated with Ancestral Remains, including supporting Traditional Owners and RAPs to address the unique challenges posed for them. Others suggested an Advisory Committee within the Council would be preferable. In this model, the Committee would be made up by Council members, other Traditional Owners, representation from other agencies involved such as the Coroners Court, Museum Victoria and so on.</p> <p>Others emphasised the importance of ensuring Traditional Owners/RAPs have access to places where returned Ancestral Remains could be respectfully reinterred, and the resources to maintain these places</p>	<p>2.2.3.</p> <p>Clearly establish the Council as the body responsible for overseeing, monitoring and reporting on the management, return and protection of Ancestral Remains in Victoria. Council’s role may include, on request, reviewing and determining the identity or cultural affiliation of Ancestral Remains or secret/sacred objects. External experts may be co opted by the Council for this purpose. Council’s role may also include assisting Traditional Owners/RAPs to resolve barriers to returning Ancestral Remains to Country.</p> <p>2.2.4</p> <p>Resource the Council to establish and maintain a database to track the return of Ancestral Remains. This would either be a part of the existing Aboriginal Cultural Heritage Register and Information System (ACHRIS), or linked with this system and would regulate access to sensitive information in a culturally respectful way.</p> <p>2.2.5</p> <p>Identify measures that will enable Traditional Owners and RAPs to record both <i>in situ</i> and reburial locations as part of ongoing management to ensure Ancestral Remains are not disturbed further.</p> <p>2.2.6</p> <p>OAAV, the Council and other agencies to work together to establish a program for protecting burial places.</p> <p>2.2.7</p> <p>Establish a process for RAPs/ Traditional Owners to have the option of being able to access public land for re-burial of Ancestral Remains, with ongoing management by the relevant group together with the public land manager.</p>

What people said in response to the Discussion Paper questions continued

Discussion Paper questions	What people said in response to the Discussion Paper questions	Proposed changes to the Act and its frameworks
<p>QUESTION 3</p> <p>What do you think Traditional Owner groups need to assist them to fulfil the role you believe they should have in relation to the management and return of Ancestral Remains?</p> <p>For example do you think there is a need for groups to have clearer legal authority? Do you think the need is more about resources and support?</p>	<p>Traditional Owners said they require:</p> <ul style="list-style-type: none"> - The provisions of the Act to be changed (as described in 2.1 above) - More staff time and resources (ideally funded positions within each group) to locate and negotiate appropriate places to return Ancestral Remains and for ongoing management of these areas: <p><i>The RAP are not given any resources to undertake the repatriation process. Negotiations with land managers/ landholders and lodging of amended sites cards with [OAAV], and the associated costs of sending ... representatives into the field to complete the repatriation process, are costs that have to be met by the RAP.</i></p> <p>Yorta Yorta Nation Aboriginal Corporation</p> <ul style="list-style-type: none"> - Training in researching the provenance of Ancestral Remains - Formal agreements with land owners (both state and private) and funding for ongoing protection of burial places - A specific place for storing Ancestral Remains until they can be returned to Country - Designated land to repatriate Ancestral Remains - Access to (or the ability to engage) historians and others with relevant information or experience. <p>Comments were also received about the challenges that can arise for Traditional Owners/ RAPs during the repatriation process and the need for culturally appropriate support to address these challenges as they arise.</p>	<p>3.2.1</p> <p>Provide RAPs/Traditional Owners with funding to support their role in relation to Ancestral Remains, for example to provide staff time and resources, temporary storage (if needed), and to assist with repatriation ceremonies.</p> <p>3.2.2</p> <p>Provide funding to the Council to act as the body responsible for overseeing, monitoring and reporting on the management, return and protection of Ancestral Remains in Victoria. This should include resources to engage physical anthropologists, historians or others with relevant information or experience who can be available to assist Traditional Owner groups/ RAPs.</p> <p>3.2.3</p> <p>Provide regular training to RAPs/ Traditional Owners to support their role, such as in researching the provenance of Ancestral Remains. Training should be coordinated to ensure an equally high standard of information is provided to all Traditional Owners/RAPs.</p> <p>3.2.4</p> <p>Ensure culturally appropriate support is available to assist Traditional Owners/RAPs if required during the process of returning Ancestral Remains to Country.</p> <p>3.2.5</p> <p>Establish a process for formal agreements with landowners (both state and private) to designate land for repatriation, and funding for ongoing protection.</p>

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<p>QUESTION 4</p> <p>Do you think the Council’s role in relation to the management and return of Ancestral Remains should change?</p> <p>If so, what do you think this role should be?</p> <p>For example, should the Council have powers to investigate how Ancestral Remains are being dealt with in Victoria?</p> <p>Do you think the Council should be able to produce reports compiling information from all relevant parties about the discovery and return of Ancestral Remains?</p>	<p>4.1</p> <p>There was general agreement that Traditional Owners and RAPs should play the primary role regarding Ancestral Remains.</p> <p>Some submissions suggested it was important for the Council to play the role of coordinating and overseeing the process.</p> <p><i>Council should have more powers to advocate on [Traditional Owner] groups’ behalf in relation to the existence, management and attainment of remains. Council should be further resourced to ... ensure they are doing everything they can to work with [Traditional Owner] groups to repatriate remains and help resolve any issues if/when they arise.</i></p> <p>Gunditj Mirring Traditional Owners Aboriginal Corporation</p> <p>Others suggested an Advisory Committee within the Council would be preferable to take this role. In this model, the Committee would be made up by Council members, other Traditional Owners, representation from other agencies involved such as the Coroners Court, Museum Victoria and so on.</p> <p>The Coroners Court proposed Council play an earlier role when remains are discovered and reported, to assist the process and to provide a greater chance for remains to be left <i>in situ</i>.</p> <p>Responses emphasised that proper recording is critical throughout the process (for example in a database as described in 2.1 above) and some were of the view that Council should play a role in maintaining these records.</p>	<p>4.2.1</p> <p>Clearly nominate and resource Council as the body responsible for overseeing, monitoring and reporting on the management, return and protection of Ancestral Remains in Victoria. Council’s role to include:</p> <ul style="list-style-type: none"> - Overseeing the management, return and protection of Ancestral Remains in Victoria. - Developing and maintaining a database of Ancestral Remains. This may form a part of, or be linked with ACHRIS. - Reporting annually to Parliament on the management, return and protection of Ancestral Remains in Victoria. - Working with Traditional Owners/RAPs or others to review and determine the identity or cultural affiliation of Ancestral Remains or secret/sacred objects. External experts may be co opted by the Council for this purpose. Council’s role may also include assisting Traditional Owners/RAPs to resolve barriers to returning Ancestral Remains to Country. - Liaising with the Coroners Court (at an early stage) together with OAAV in determining whether remains can be left <i>in situ</i> when discovered including ensuring two-way sharing of information with the Coroners Court. - Liaising with state government departments, agencies and other organisations in possession of Ancestral Remains. - Working together with Traditional Owners to assist the return of Ancestral Remains. - Having powers to direct that steps be taken to return remains. - Promoting better understanding in the general community of the importance of Ancestral Remains and the need to return them to Country.

What people said in response to the Discussion Paper questions continued

Discussion Paper questions	What people said in response to the Discussion Paper questions	Proposed changes to the Act and its frameworks
<p>QUESTION 5</p> <p>Do you think the roles of some of the other agencies involved in the management and return of Ancestral Remains need to change or to be made clearer?</p> <p>If so, what do you think these roles should be?</p>	<p>Some Traditional Owners/ RAPs have found the current system frustrating and confusing due to the multiple agencies, different processes, and in some cases limited facilities or funding within these agencies to assist with returning Ancestral Remains.</p> <p>There was general agreement that there should be one clear process for all when it comes to the management and return of Ancestral Remains, not different processes for different agencies, organisations and groups. For example currently one process is utilised for the return of Ancestral Remains held by museums while another process is utilised for the return of Ancestral Remains which had been part of private collections.</p> <p>The current process for repatriating Ancestral Remains that have been handed in from private collections takes too long.</p> <p>Better coordination between different agencies is critical. Many submissions said one agency should oversee the return of Ancestral Remains.</p> <p>All in custody of Ancestral Remains should be answerable to Council and Traditional Owner groups/ RAPs. There was also a suggestion that a similar system to that established in the United States of America should be introduced in Victoria. This system includes laws requiring Federal agencies to conduct inventories of Ancestral Remains held by those agencies and to deliver that information to a central body.</p>	<p>5.2.1</p> <p>Amend the Act (as described in 2.2) to:</p> <ul style="list-style-type: none"> - Clarify and consistently describe the roles and responsibilities of: <ul style="list-style-type: none"> a) the Coroners Court b) Victoria Police c) Museum Victoria d) OAAV e) cultural heritage advisors f) sponsors of cultural heritage management plans g) land owners and managers h) individuals. <p>5.2.2</p> <p>Ensure the Coroners Court and Victoria Police are able to coordinate effectively with OAAV and Traditional Owners/RAPs to allow Ancestral Remains to be left undisturbed wherever possible.</p> <p>5.2.3</p> <p>Ensure the Coroners Court and Victoria Police are able to coordinate effectively with OAAV in relation to reports of Ancestral Remains, whether these reports relate to disturbance of burial places or to Ancestral Remains that have been part of private collections.</p> <p>5.2.4</p> <p>Explain what should happen when Ancestral Remains are identified, discovered, reported or uncovered during the cultural heritage management plan or permit processes or during other cultural heritage investigations, or the role and responsibilities of cultural heritage advisors and sponsors.</p>

Discussion Paper questions	What people said in response to the Discussion Paper questions	Proposed changes to the Act and its frameworks
<p>QUESTION 5 continued</p>	<p>The Coroners Court and Victoria Police</p> <p>Responses strongly supported measures to prevent the removal of Ancestral Remains from Country. Measures should ensure a responsive process and effective engagement with the Coroners Court and Victoria Police:</p> <p><i>Currently the process for Ancestral Remains that are discovered and reported to OAAV, the Coroner has to take them to Melbourne to the Coroners office ... I feel that Ancestral Remains should not be removed from Country and there should be a process where the Coroner works closely with Traditional Owner groups to discuss the best management practices, this could be in the form of the Traditional Owner group engaging a trusted physical anthropologist to provide a report to the Coroner.</i></p> <p>Wathaurung Aboriginal Corporation</p> <p><i>On occasions an Aboriginal heritage ... officer has been immediately available to provide information to the duty Coroner, including ... background to the area, nature of the site and the state and nature of the remains. I have found that this is a very useful approach and has enabled me to direct that remains be left in situ rather than being further disturbed, moved or transported...</i></p> <p><i>I would encourage the development of a process by which [Council] heritage officers would provide an early report to the Coroner... Ideally such a report would be provided at the time of the reporting of the remains to enable early intervention and if possible, obviate the need to disturb the remains.</i></p> <p>Coroners Court</p>	<p>5.2.5</p> <p>Specify the limited circumstances when Ancestral Remains can be removed from their burial place, and the appropriate people (such as Traditional Owners and RAPs, or individuals such as archaeologists or physical anthropologists subject to the approval and guidance of Traditional Owners/ RAPs).</p> <p>5.2.6</p> <p>Require agencies to prepare and provide detailed inventories of Aboriginal Ancestral Remains held by institutions to Council to ensure that all Ancestral Remains currently held by private and state institutions and individuals are first uncovered and reported, and second, repatriated.</p> <p>5.2.7</p> <p>Clarify the responsibilities of public land managers for protecting burials <i>in situ</i>, and for recording and reporting of burials.</p> <p>5.2.8</p> <p>Establish specific penalties in relation to non-compliance by public agencies, land managers and individuals in respect of failures to appropriately manage and protect burial places.</p> <p>5.2.9</p> <p>Ensure all relevant emergency management agencies in Victoria work together with RAPs and Traditional Owner groups to achieve better planning, coordination and protection of Ancestral Remains during Emergency Management activities.</p>

What people said in response to the Discussion Paper questions continued

Discussion Paper questions	What people said in response to the Discussion Paper questions	Proposed changes to the Act and its frameworks
<p>QUESTION 5 continued</p>	<p>Ancestral Remains should only be removed from a burial place if all other options have been exhausted and when this does happen, there should be a clear process for how they are returned as quickly as possible to the place from which they were removed. In these circumstances, early return of Ancestral Remains should be the highest priority and override all other considerations.</p> <p>OAAV</p> <p>Some submissions stated OAAV should continue to play a role in supporting the management, return and ongoing protection of Ancestral Remains, but must work more closely together with the Council and Traditional Owner groups/ RAPs.</p> <p>The role of OAAV should be clarified in the Act and adequately resourced. Staff should be employed within OAAV to specifically support Traditional Owner groups/RAPs and work alongside the Coroners Court and Victoria Police to avoid removal of Ancestral Remains. These staff in turn must have access to culturally relevant training and support, as discussed in 8.1 below.</p> <p>Museum Victoria</p> <p>Many submissions commented on the length of time involved in repatriation of Ancestral Remains. Some suggested a time limit be established for Museum Victoria to notify the Traditional Owner group/RAP and repatriate any clearly identified and provenanced Ancestral Remains (together with any associated Aboriginal objects and documentation).</p> <p>In its submission, Museum Victoria reiterated its commitment to return Ancestors in its care as quickly and respectfully as possible back to Traditional Owners for reburial on Country. Museum Victoria raised a number of issues affecting its ability to quickly repatriate Ancestral Remains such as lack of comprehensive support for Traditional Owners, lack of clarity as to who Traditional Owners are, as well as resourcing and coordination of key agencies.</p>	

Discussion Paper questions	What people said in response to the Discussion Paper questions	Proposed changes to the Act and its frameworks
<p>QUESTION 5 continued</p>	<p>Cultural heritage advisors</p> <p>The Act does not effectively explain what should happen when Ancestral Remains are identified, discovered, reported or uncovered during cultural heritage investigations, including the cultural heritage management plan or permit processes. The Act also fails to explain the role and responsibilities of cultural heritage advisors and sponsors.</p> <p>Land owners and managers</p> <p>The role of public and private landowners and managers responsible for land where Ancestral Remains are located or have been re-interred needs to be made clearer. Support should be available to assist landowners, land managers and Traditional Owner groups/ RAPs with ongoing management and protection. Particular concerns were raised in relation to inadequate management of areas of Victoria known to have extensive burial places.</p> <p>Some responses referred to draft guidelines prepared by the Department of Environment and Primary Industries to support Traditional Owners in the management and re-interment of Ancestral Remains on Crown land.</p> <p>Emergency management agencies</p> <p>There needs to be better planning, coordination and protection of Ancestral Remains during Emergency Management activities (and consistency across Victoria).</p>	

What people said in response to the Discussion Paper questions continued

Discussion Paper questions	What people said in response to the Discussion Paper questions	Proposed changes to the Act and its frameworks
<p>QUESTION 6</p> <p>What do you think could be done to improve co-ordination between all involved in the management and return of Ancestral Remains?</p> <p>Do you think all parties involved should sign up to some agreed principles to guide them to fulfil their responsibilities?</p>	<p>6.1</p> <p>Most submissions addressed this question through their responses to previous questions.</p> <p>In summary, necessary components of a well-functioning approach include:</p> <ul style="list-style-type: none"> - The provisions of the Act to be changed, particularly to establish one set of principles and a clear process for all involved in the management and return of Ancestral Remains (see 2.1) - Support being available to Traditional Owner groups/ RAPs (see 3.1) - One body or agency overseeing the process, supporting Traditional Owner groups/ RAPs and keeping proper records (see 4.1) - The commitment of all parties to the protection, management and return of Ancestral Remains to Country - Streamlining administrative processes (provided this is not at the expense of extensive and complete record keeping) - Monitoring progress made by those in possession of Ancestral Remains - Providing dedicated positions for skilled, knowledgeable persons to assist Traditional Owner groups/ RAPs with Ancestral Remains responsibilities, to be located within the Council Secretariat, OAAV or within each Traditional Owner group/ RAP - Ongoing resourcing and culturally appropriate support for all those involved in the protection, management and return of Ancestral Remains. 	<p>6.2</p> <p>The components needed for a well-functioning approach have each been addressed in the proposed changes outlined above.</p> <p>Of key importance is the need for one agency or organisation to oversee the whole system for protecting, managing and returning Ancestral Remains.</p>

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<p>QUESTION 7</p> <p>What measures do you believe would help to develop understanding of the importance of Ancestral Remains across the whole Victorian community?</p> <p>For example, do you think it could be appropriate to publish stories about Traditional Owner groups' experiences of the return of Ancestral Remains, with the consent and permission of the groups?</p>	<p>7.1</p> <p>Public awareness is a necessary part of the Council's role to promote understanding of Victoria's Aboriginal cultural heritage. Stories should be published on a case-by-case basis but only with the authority and support of the Traditional Owners/ RAPs involved.</p> <p>The painful history of others seeing Ancestral Remains as curios of scientific relevance but of no other meaning is well known to Traditional Owners. Some commented that this history continues to affect non-Aboriginal people's understanding of and approach to dealing with Ancestral Remains today.</p> <p>There is a need for further awareness and positive campaigns to explain the importance of Victoria's Aboriginal cultural heritage generally, including around the importance of protecting and returning Ancestral Remains. Understanding begins at kindergarten and school, but should extend to the workforce and the community.</p>	<p>7.2</p> <p>Public awareness about Ancestral Remains to form a key element of Council's role in raising public awareness about the value and importance of Victoria's Aboriginal cultural heritage.</p> <p>Targeted resourcing is needed to undertake this work.</p>

What people said in response to the Discussion Paper questions continued

Discussion Paper questions	What people said in response to the Discussion Paper questions	Proposed changes to the Act and its frameworks
<p>QUESTION 8</p> <p>What kinds of training, skills and experience do you think are necessary for agencies that have responsibilities in relation to the management and return of Ancestral Remains?</p> <p>How should training be delivered and by whom?</p>	<p>8.1</p> <p>Submissions proposed that non-Aboriginal organisations (e.g. Victoria Police, Coroners Court, other courts, Museum Victoria, OAAV, cultural heritage advisors) with responsibilities under the Act should ensure their employees are culturally competent to perform their duties.</p> <p>Traditional Owner groups/ RAPs want more specific training for example in bone identification and skeletal identification (through museums and universities):</p> <p><i>Elders with RAPs and Traditional Owners have been crying out for more training in bone identification and skeletal identification (through museums and universities).</i></p> <p>Barengi Gadjin Land Council Aboriginal Corporation</p> <p>Responses also stated landowners need to understand the Act's requirements and cultural values. A tailored version of the three-day workshop, which is a prerequisite for the Certificate IV in Cultural Heritage Management, would be helpful for landowners. The course provides an introduction into what the legislation is, who are the key stakeholders, basic interpretation to site types and understanding the prescribed measures outlined in the Regulations.</p> <p>Cultural awareness should be routinely taught as part of any archaeology degree. This should include specific education around the importance of Ancestral Remains to Aboriginal and Torres Strait Islander peoples, and appropriate protocols and processes for dealing with discoveries of Ancestral Remains.</p>	<p>8.2.1</p> <p>Provide regular training to RAPs and Traditional Owner groups to support their role in relation to Ancestral Remains, such as in researching the provenance of Ancestral Remains.</p> <p>8.2.2</p> <p>Require non-Aboriginal organisations (e.g. Victoria Police, Coroners Court, other courts, Museum Victoria, OAAV, cultural heritage advisors) with responsibilities under the Act to ensure relevant employees are culturally competent to perform their duties.</p> <p>8.2.3</p> <p>Work with tertiary institutions to ensure that the content of archaeological studies adequately addresses the importance of Ancestral Remains to Aboriginal and Torres Strait Islander peoples, and appropriate protocols and processes for dealing with discoveries of Ancestral Remains.</p>

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<p>QUESTION 9</p> <p>Do you have any other suggestions and comments you would like to make about the management and return of Ancestral Remains?</p>	<p>9.1</p> <p>Most submissions supported the current obligation to record where Ancestral Remains have been reburied. Repatriation should be recorded in a restricted access layer on ACHRIS, only accessible by Traditional Owner groups/RAPs. ACHRIS would indicate the presence of burial sites to cultural heritage advisors and others accessing the usual Register, who could seek further details from the Traditional Owner group/RAP.</p> <p>Currently reburials are rarely recorded on ACHRIS. In large part, this is due to lack of confidence from Traditional Owners and RAPs that this information will be treated appropriately.</p> <p>Clearer processes are needed to guide Traditional Owners and agencies through the intersecting legislative obligations that arise when Ancestral Remains are reburied at cemeteries such as Weroona and Framlingham.</p> <p>Traditional Owner groups and RAPs involved in the management and return of Ancestral Remains reported obstacles could arise at various stages which would require time and support to address. This could include issues such as:</p> <ul style="list-style-type: none"> - identifying appropriate places for reburial - having clear authority and adequate resources to work with government agencies and institutions in organising repatriation - determining details for repatriation such as ceremony, traditional burial practices, and deciding whether this should be with or without monument - ensuring the availability of culturally appropriate support for Aboriginal and Torres Strait Islander peoples involved with returning Ancestral Remains to Country. <p>Support is needed where multiple RAPs need to come to an agreement over Ancestral Remains (for example, where Ancestral Remains are located in or have been removed from shared Country). Support can also sometimes be needed by a single Traditional Owner group/RAP to address the challenges that can arise in the process of repatriation, some of which are noted above.</p>	<p>9.2.1</p> <p>Amend the Act to allow those with access to the Victorian Aboriginal Heritage Register to be advised of the presence of burial and re-burial sites but to only have access to other details with permission from the Traditional Owner group or RAP or Council.</p> <p>9.2.2</p> <p>Expand Council's role to allow the Council to provide support (facilitation, support, dispute resolution) as needed where RAPs/ Traditional Owners need to come to an agreement over Ancestral Remains.</p> <p>9.2.3</p> <p>Ensure the provisions of the <i>Cemeteries and Crematoria Act 2003</i> clearly integrate with the roles and responsibilities established under the Act.</p>

