

**SECOND DECISION OF THE VICTORIAN ABORIGINAL HERITAGE COUNCIL REGARDING
THE APPLICATION BY GUNAIKURNAI LAND AND WATERS ABORIGINAL CORPORATION
TO BE A REGISTERED ABORIGINAL PARTY**

DATE OF DECISION: 18 September 2008

Decision

The Victorian Aboriginal Heritage Council (the Council) has decided to register the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) as a registered Aboriginal party (RAP) under the *Aboriginal Heritage Act 2006* over a further part of the area it has sought to be a RAP (the Stage 2 Area).

The Council is still considering the remaining areas for which Gunaikurnai has sought to be a RAP.

A map showing the entire area for which GLaWAC is now a RAP (the RAP Area) is attached (Attachment 1).

Reasons for Decision

On 23 May 2008, the Council registered GLaWAC as a RAP over a significant portion of their application area. In arriving at that decision, Council took the view that GLaWAC is an organisation that represents Traditional Owners of the area, that GLaWAC satisfied the requirements of the Act, and that GLaWAC will be capable of carrying out the functions of a RAP. Each of these considerations applied to the Stage 2 Area.

At its meeting in May, the Council deferred making a decision over a number of areas which were being contested by other neighbouring Traditional Owner groups to enable further discussions to be held between these groups. The Stage 2 Area was one of these areas because it overlapped with a RAP Application made by Wandoon Estate Aboriginal Corporation (Wandoon Estate). However on 8 July 2008 Wandoon Estate wrote to the Council advising that its traditional boundaries did not extend to this area.

While Wandoon Estate has not formally withdrawn its RAP application over this area, the Council was prepared to consider the Stage 2 area as uncontested by other Traditional Owner groups on the basis of this advice from Wandoon Estate.

While Wandooon Estate indicated that it was proposing to enter into a formal agreement with GLaWAC regarding this matter, the Council has taken the view that it was happy to rely on Wandooon Estate's letter and that an agreement formalising this position was unnecessary.

The Council wrote to all other RAP applicants in the vicinity of the State 2 Area, including Wandooon Estate, notifying them that it is considering making a decision for the Stage 2 Area. None of these objected to a decision being made in favour of GLaWAC for this area.

Having regard to these matters, and relying on its own cultural knowledge, Council took the view that GLaWAC should be registered as a RAP for the Stage 2 Area.



Signed:

Eleanor A Bourke
Chairperson
Victorian Aboriginal Heritage Council