



Victorian **Aboriginal Heritage** Council

Annual Report

January to December 2013

Progress
against Council's
statutory role

ABORIGINAL VICTORIA



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About the Council



The Victorian Aboriginal Heritage Council was established under the *Aboriginal Heritage Act 2006* and is the only statutory authority in Victoria comprised entirely of Traditional Owners. The Council is in its seventh year of operation, and remains determined to fulfil its legislative responsibilities and realise its vision of a community that respects Aboriginal cultural heritage and the cultural responsibilities of Traditional Owners.

This Annual Report outlines the work the Council has undertaken in 2013, of which various aspects deserve particular mention and are outlined below.

The Council's highest priority in 2013 was the respectful return and management of Victorian Aboriginal Ancestral Remains. In March 2013, Council published a Discussion Paper, *Bringing Our Ancestors Home: Managing and returning*

Ancestral Remains in Victoria since the commencement of the Aboriginal Heritage Act 2006, which detailed the findings of Council's research regarding the current management of Ancestral Remains and invited stakeholders to provide feedback on the current system and ways to improve it. The Council also co-hosted two workshops with Museum Victoria for stakeholders to discuss the issues raised in the Discussion Paper. Responses to the Discussion Paper were published in *Bringing Our Ancestors Home: Responses to the Discussion Paper and Options for Change* in November 2013. In September, Council and the Office of Aboriginal Affairs Victoria (OAAV) established a joint steering group to begin work to improve the system.

Following on from its work in 2011 and 2012, the Council continued to positively influence the *Review of the Act 2013* and the government's response to the Parliamentary report regarding the *Inquiry into the*

Establishment and Effectiveness of Registered Aboriginal Parties (RAPs).

Determining RAP applications continued to be a major component of the Council's work, with one application received in 2013 and seven applications under consideration at 31 December 2013. In 2013, Council declined seven RAP applications, appointed Victoria's 10th RAP and made five decisions to extend the area of a RAP. The appointment of the 10th RAP was concurrent with the first appointment of two RAPs over the same area.

In October 2013, Council began reviewing its 2011-2014 Strategic Plan to assess whether it had met its aspirations and to prepare for the development of its next strategic planning phase.

The Council is proud of its achievements in 2013 and looks forward to building on the progress it has achieved in the coming year.

Progress against Council's statutory role

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Decision making roles of the Council under the Aboriginal Heritage Act 2006	Progress Update
<p>Receive and determine Registered Aboriginal Party (RAP) applications</p> <p>Council to decide which Aboriginal groups will exercise cultural heritage responsibility.</p>	<p>Summary of applications: In 2013, Council:</p> <ul style="list-style-type: none"> ■ Received one RAP application (total to date: 46) ■ Made five decisions to extend the area of a RAP and appointed one RAP (total to date: 26) ■ Declined seven applications (total to date: 37) <p>As at 31 December 2013, applications from seven organisations were under consideration by Council.</p> <p>Council met with a RAP applicant in May.</p> <p>Council worked with the Steering Committee for Right People for Country to progress Traditional Owner agreement making in Victoria. In 2013, five agreement-making projects were supported involving boundary and group composition issues.</p>
<p>Suspend or revoke RAP registration</p> <p>Council may view this as a general oversight role over RAPs – both to support RAPs to be successful as well as taking action where a RAP is not properly performing its responsibilities.</p>	<p>Council took part in the RAP Forum held in Alexandra in July, to meet with RAPs and to discuss RAP issues and developments in the Aboriginal cultural heritage industry.</p> <p>In May Council held a community meeting to provide information about the Council's decision-making processes regarding RAP applications in Mildura.</p>
<p>Consider Cultural Heritage Management Plans (CHMPs) for approval where the Secretary of the Department of Planning and Community Development (the Secretary) is the sponsor and there are no RAPs in place or RAPs choose not to evaluate a plan</p>	<p>No applications received.</p>
<p>Consider applications for access to the Victorian Aboriginal Heritage Register</p> <p>Council receives requests from the Secretary for approving requests to access the Victorian Aboriginal Heritage Register that relate to areas for which no RAP has been appointed.</p>	<p>One application was received and approved.</p>
<p>Facilitate mediation between RAPs</p> <p>The legislative power specifically relates to mediation between RAPs.</p>	<p>No applications received.</p>

Advisory roles of the Council under the <i>Aboriginal Heritage Act 2006</i>	Progress Update
<p>Advise on the training and appointment of inspectors</p> <ul style="list-style-type: none"> ■ Council can advise the Minister on the training and appointment of inspectors. ■ The Minister can specify training required by inspectors. ■ The Minister must consult with the Council prior to appointing inspectors. 	<p>Advice was sought by the Minister in relation to the re-appointment of two inspectors in 2013.</p> <p>Council sought advice from OAAV regarding the eligibility of public servants not employed by OAAV to become inspectors under the Act.</p>
<p>Advise on fees for the payment of RAPs</p> <ul style="list-style-type: none"> ■ The Secretary may develop guidelines for the payment of fees to RAPs who participate in cultural heritage assessments. ■ The Secretary must seek advice from the Council before making these guidelines. 	<p>No advice was sought in this area in 2013.</p>
<p>Repatriation of Ancestral Remains and return of secret or sacred objects</p> <ul style="list-style-type: none"> ■ Advise the Secretary and Museum Victoria on repatriation of human remains. 	<p>In March, Council published a Discussion Paper, <i>Bringing Our Ancestors Home: Managing and returning Ancestral Remains in Victoria since the commencement of the Aboriginal Heritage Act 2006</i>. This paper explained what Council found through its research regarding the current systems to protect and manage Ancestral Remains, and invited stakeholders to provide feedback on their experiences with the current system and how it could be improved. The Council held two workshops in partnership with Museum Victoria for stakeholders to discuss and further explore the issues raised in the Discussion Paper.</p> <p>In May, Council visited Lake Mungo with representatives from the Traditional Owner groups involved in the management of the area and heard their experiences regarding the management and protection of Ancestral Remains.</p> <p>Council received reports from, and met with, OAAV about the return of Ancestral Remains. In September 2013, Council and OAAV established a joint steering group to begin work to improve the system, and met with key stakeholders, including Museum Victoria, the Coroner's Office, the Victorian Institute of Forensic Medicine and Victoria Police.</p> <p>The Council met with the Advisory Committee for Indigenous Repatriation regarding the Committee's <i>National Discussion Paper and Survey for a National Keeping Place for Aboriginal and Torres Strait Islander Ancestral Remains with no known community of origin</i>. The Council also made a submission to this Discussion Paper.</p> <p>In November, the responses were published in <i>Bringing Our Ancestors Home: Responses to the Discussion Paper and Options for Change</i>.</p> <p>No advice was sought in relation to the return of secret or sacred objects.</p>

Advisory roles of the Council under the <i>Aboriginal Heritage Act 2006</i>	Progress Update
<p>Advise on protection orders, audits, requirements for CHMPs, permits, compulsory acquisitions etc.</p> <p>The Minister can seek advice regarding the exercise of her powers in relation to:</p> <ul style="list-style-type: none"> ■ Interim or ongoing protection declarations ■ Proposals to require a CHMP ■ Whether a cultural heritage audit is necessary ■ Whether compulsory acquisition of land is appropriate ■ Any other matters requested by the Minister. 	<p>Council advised the Minister regarding an ongoing protection declaration for Moyjil Aboriginal Place, near Warrnambool.</p> <p>No compulsory acquisitions were issued in 2013.</p> <p>No audits were conducted in 2013.</p>
<p>Advise the Secretary on the exercise of his/her powers under the Act</p> <p>The Secretary can request advice from Council on exercising his/her powers.</p>	<p>Council was requested to provide advice on multiple occasions in relation to Ancestral Remains in late 2013.</p>
<p>Advise the Minister on the protection of Aboriginal cultural heritage, including:</p> <ul style="list-style-type: none"> ■ Cultural heritage significance of places, objects or human remains. ■ Effective management of cultural heritage and culturally sensitive information. ■ Measures to promote the role of Aboriginal people in the protection and management of heritage. ■ The standards of knowledge, experience, conduct and practice required of persons engaged in research into Aboriginal cultural heritage. ■ Other matters referred by the Minister. 	<p>Council provided the Minister with advice in relation to:</p> <ul style="list-style-type: none"> ■ issues in the current system of protecting and managing Aboriginal Ancestral Remains and options for improvement ■ the release of the exposure draft of legislative amendments to the Act ■ the Parliamentary report regarding the Inquiry into <i>The Establishment and Effectiveness of Registered Aboriginal Parties (RAPs)</i>. <p>Council also met with the Minister in August 2013 and discussed the outcomes of the <i>Review of the Act 2013</i> and the Parliamentary Inquiry into The Establishment and Effectiveness of RAPs.</p> <p>During 2013, Council took part in the Local Government and Aboriginal Partnership Project established by the Minister to strengthen the relationship between her two portfolios. Work on this project will continue in 2014.</p>

Developing measures to promote public awareness and understanding of Aboriginal cultural heritage in Victoria under the *Aboriginal Heritage Act 2006*

Progress Update

Opportunity for the Council to partner with Government to deliver a community education campaign.

Opportunity to work with other stakeholders (e.g. Koorie Heritage Trust, Heritage Council of Victoria, Museum Victoria, National Trust of Australia (Victoria), Koorie Youth Council, other Indigenous Heritage Councils around Australia, New Zealand and Canada, etc).

Council established a partnership with the National Trust of Australia (Vic) (Trust) and the Koorie Youth Council (KYC) to host a Koorie Youth Forum as part of the 2013 Heritage Festival. The Forum brought together young Koories from Victoria to explore and share different perspectives of Koorie cultural heritage. The success of the Forum will see the Trust, KYC and Council work together to hold a similar event in 2014.

In addition, Council met with the following:

- Dja Dja Wurrung Clans Aboriginal Corporation
- Growth Areas Authority
- Ministerial Advisory Committee for the Metropolitan Planning Strategy
- Native Title Unit, Department of Justice
- Parks Victoria
- Victorian Coastal Council
- Victorian Environment Assessment Council.

Council met with Museum Victoria, in line with its commitment to meet annually, to consider issues including the repatriation of Ancestral Remains.

Council held its second annual stakeholder meeting in December at the Koorie Heritage Trust, attended by approximately 43 people from 29 organisations.

Governance functions under the <i>Public Administration Act 2004</i> and other applicable legislation	Progress Update
Strategic Planning	<p>While continuing to implement its Strategic Plan 2011-2014, Council began reviewing this plan in October 2013 in preparation for its next strategic planning phase.</p>
Internal policies and procedures	<p>Council reviewed and updated its <i>RAP Decision-Making Manual</i>.</p> <p>Council reviewed its <i>Procedures Manual for Council Members</i>, which is utilised by all Council members and also guides the induction of new Council members.</p> <p>Council continued to develop a strategic approach to succession planning. Work on this project will continue in 2014.</p>
Freedom of Information 1992	<p>Council lodged a return for the financial year ended 30 June 2013 as required by the legislation.</p> <p>In the calendar year ending 31 December 2013, Council received two new requests under the legislation, compared with two in the previous calendar year.</p>

