



Victorian **Aboriginal Heritage** Council

# Annual Report

January to December 2015

Progress  
against Council's  
statutory role

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# About the Council



**T**he Victorian Aboriginal Heritage Council (the Council) was established under the *Aboriginal Heritage Act 2006*

(the Act) and is the only statutory authority in Australia whose members are all Traditional Owners. In its ninth year of operation, the Council remains determined to fulfil its legislative responsibilities and realise its vision of a community that respects and understands Aboriginal cultural heritage and the cultural responsibilities of Traditional Owners.

This annual report outlines the work the Council has undertaken in 2015 to achieve its vision.

The respectful return and management of Victorian Aboriginal Ancestral Remains remained Council's highest priority in 2015. Council pursued this priority through co-chairing the Ancestral Remains Joint Steering Committee (JSG) with the Office of Aboriginal Affairs Victoria.

The JSG undertook its final regional meeting to engage key stakeholders about their experiences with respect to the management and protection of Aboriginal Ancestral Remains and will finalise a report of the five regional meetings held in 2016. The Council also conducted interviews with Traditional Owners and other stakeholders for the development of a documentary about the return and protection of Aboriginal Ancestral Remains in Victoria, set for release in 2016.

Following on from its involvement since 2011, the Council continued its work to positively influence the Review of the Act through its submission to the Aboriginal Heritage Amendment Bill 2014 Exposure Draft process.

Determining RAP applications remains a significant component of Council's work. In 2015, one RAP application was received and five RAP applications were declined. A total of seven RAP applications were under

consideration at 31 December 2015. Council has consistently recognised the need for further conversations and difficult discussions between Traditional Owner groups. Council acknowledges all Traditional Owners who have made efforts in working with neighbours, including those participating in the Right People for Country program. Council encourages Traditional Owner organisations to continue to be proactive and to explore the negotiation and conciliation options that may be available to them. Council understands these issues are complex and sees it as important for Traditional Owners to have these discussions, especially where there are overlapping claims or interests. This is Council's vision for all Traditional Owners.

The Council looks forward to building on the progress it has made over the last twelve months in 2016.

# Progress against Council's statutory role

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## Decision making roles of the Council under the *Aboriginal Heritage Act 2006*

## Progress Update

### **Receive and determine Registered Aboriginal Party (RAP) applications**

Council to decide which Aboriginal groups will exercise cultural heritage responsibility.

Summary of applications:

In 2015, Council received one RAP applications (total to date: 51) and declined five RAP applications (total to date: 43).

As at 31 December 2015, applications from seven organisations were under consideration by Council.

Council worked with the Steering Committee for Right People for Country to progress Traditional Owner agreement making in Victoria. In 2014, three agreement-making projects were supported involving boundary and group composition issues.

### **Suspend or revoke RAP registration**

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.

Council took part in the two RAP forums held in 2015. The first forum was hosted by Eastern Maar Aboriginal Corporation at Halls Gap in May, and the second was hosted by Gunaikurnai Land and Waters Aboriginal Corporation at Wattle Point in November. Participating in the RAP forums gave Council the opportunity to meet with RAPs to discuss and learn about RAP issues and developments in the Aboriginal cultural heritage industry. Council also presented an update on its own work at both forums.

**Decision making roles of the Council under the  
Aboriginal Heritage Act 2006**

**Progress Update**

**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**

No applications received.

**Consider applications for access to the Victorian Aboriginal Heritage Register**

No applications were received.

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.

**Facilitate mediation between RAPs**

No applications were received.

The legislative power specifically relates to mediation between RAPs.

## Advisory roles of the Council under the Aboriginal Heritage Act 2006

## Progress Update

### Advise on the training and appointment of inspectors

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.

No advice was sought by the Minister in relation to the training and appointment of inspectors.

### Advise on fees for the payment of RAPs

- 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.

No advice was sought in this area.

### Repatriation of Ancestral Remains and return of secret or sacred objects

- Advise the Secretary and Museum Victoria on repatriation of human remains.

Council continued to work in partnership with the Office of Aboriginal Affairs on the Aboriginal Ancestral Remains Joint Steering Committee (JSG), which is made up representatives from both agencies. On 26 and 27 February, the JSG held its final of a series of regional meetings in Eltham to provide key stakeholders with information about the JSG and to engage with them about their experiences with respect to the management and protection of Aboriginal Ancestral Remains. A report outlining the findings of the five regional meetings and recommendations is expected to be released in 2016. Council also met with Griffith University to learn about the technologies available to identify unmarked burial places and historical cemeteries.

No advice was sought in relation to the return of secret or sacred objects.





## Advisory roles of the Council under the Aboriginal Heritage Act 2006

### Advise the Minister on the protection of Aboriginal cultural heritage, including:

- 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.

## Progress Update

Council provided the Minister with advice in relation to:

- Issues in the current system of protecting and managing Aboriginal Ancestral Remains and options for improvement
- A Cultural Heritage Audit regarding Ghow Swamp
- Council's submission to the Aboriginal Heritage Amendment Bill 2014 Exposure Draft

The Minister met with the Council in June, and with the Council Chair and Deputy Chair in February and December.

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

## Progress Update

This function allows Council opportunities to work towards achievement of its vision of a Victorian community that understands and respects Aboriginal cultural heritage and the cultural responsibilities of Traditional Owners.

Council will do its part to build pathways towards mutual respect in the broader community. Council wants to achieve this in partnership with RAPs and other Traditional Owners by supporting their efforts to improve understanding and appreciation of Aboriginal cultural heritage in Victoria.

Council continued to work with the Koorie Youth Council (KYC) to support young Traditional Owners to explore and share experiences of cultural heritage. This included hosting an adornment making workshop and participating in an Elders' yarning circle at the Koorie Youth Summit in May. Council looks forward to building on this engagement in 2016.

In partnership with the Heritage Council of Victoria, Council developed the project on sites with shared Aboriginal and non-Aboriginal heritage values, looking to strengthen recognition of Aboriginal values on the Victorian Heritage Register. The project is expected to be launched in 2016.

Following on from late 2014, Council worked with a production company to produce film interviews with Traditional Owners and other stakeholders regarding the return and protection of Ancestral Remains in Victoria. The documentary will provide guidance to Traditional Owners about what returning Ancestors to Country involves and increase awareness amongst the broader Victorian community about the importance of respecting and protecting Ancestral Remains into the future. The documentary is due for release in 2016.

In addition, Council met with the following:

- |   |   |
|---|---|
| ■ Federation of Traditional Owner Corporations Board                | ■ Native Title Services Victoria Board      |
| ■ Film Victoria   | ■ Office of Aboriginal Affairs Victoria     |
| ■ Heritage Victoria   | ■ Parks Victoria                            |
| ■ Heritage Council of Victoria                                      | ■ Right People for Country Project          |
| ■ Municipal Association of Victoria                                 | ■ Victorian Local Governance Association    |
| ■ Museum Victoria's Aboriginal Cultural Heritage Advisory Committee | ■ Yorta Yorta Nation Aboriginal Corporation |

**Governance functions under the *Public Administration Act 2004* and other applicable legislation**

**Progress Update**

<b>Strategic Planning</b>	Council commenced developing a monitoring and evaluation framework for Council's Strategic Plan 2014-2019.
<b>Internal policies and procedures</b>	Council reviewed and updated its <i>Decision-making manual</i> . Council reviewed and updated its <i>Procedures Manual for Council members</i> , which is utilised by all Council members and also guides the induction of new Council members.
<b>Freedom of Information 1992</b>	Council lodged a return for the financial year ended 30 June 2015 as required by the legislation. In the calendar year ending 31 December 2015, Council did not receive a request under the legislation.

