



Victorian **Aboriginal Heritage** Council

Annual Report

1 January to 31 July 2016

Progress
against Council's
statutory role



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About the Council



The Victorian Aboriginal Heritage Council (the Council) was established under the *Aboriginal Heritage Act 2006* (the Act) and is the only statutory authority in Victoria whose members are all Traditional Owners.

A key milestone in the reporting period, 1 January to 31 July 2016, was the passing of the *Aboriginal Heritage Amendment Act 2016* on 22 March 2016. Since the commencement of the review of the Act more than four years ago, the Council has worked to strengthen the legal rights and responsibilities of Traditional Owners and the protection of their cultural heritage.

Council welcomes the amendments to the Act and the recognition of Traditional Owners as protectors of their cultural heritage on behalf of Aboriginal people and all other peoples. The Council will take on new responsibilities under the Act

from 1 August 2016, and have been working intensively to prepare for this transition.

One of Council's new functions will be to report annually to the Minister for Aboriginal Affairs. While Council has previously published annual reports by calendar year, our next annual report will be for the reporting period 1 August 2016 to 31 July 2017. This report therefore outlines the work we have undertaken to fulfil our functions in the 1 January to 31 July 2016 period.

The respectful return and management of Victorian Aboriginal Ancestral Remains remained Council's highest priority in the reporting period. Council pursued this priority through co-chairing the Ancestral Remains Joint Steering Committee (JSG) with the Office of Aboriginal Affairs Victoria. The JSG worked on finalising its report, on the five regional meetings held in 2014-15, which will be released for public comment in September 2016. The Council also

continued work on its documentary film about the return and protection of Aboriginal Ancestral Remains in Victoria.

Determining Registered Aboriginal Party (RAP) applications remains a significant component of Council's work. During the reporting period, one RAP application was received and one RAP application was declined. A total of seven RAP applications were under consideration at 31 July 2016.

A highlight in the reporting period was Council's stakeholder meeting at Melbourne Museum in April. Over 80 representatives from 50 different organisations and agencies participated in roundtable discussions to share their experiences and ideas for the better protection of Aboriginal cultural heritage in Victoria.

The Council looks forward to building on the progress it has made over the last seven months and transitioning to our new functions from 1 August 2016.

Progress against Council's statutory role



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Decision making roles of the Council under the <i>Aboriginal Heritage Act 2006</i>	Progress Update
<p>Receive and determine RAP applications</p> <p>Council to decide which Aboriginal groups will exercise cultural heritage responsibility.</p>	<p>Summary of applications:</p> <p>Between 1 January and 31 July 2016, Council received one RAP application and declined one RAP application.</p> <p>As at 31 July 2016, applications from seven organisations were under consideration by Council.</p> <p>Council worked with the Steering Committee for Right People for Country to progress Traditional Owner agreement making in Victoria, supporting 6 agreement-making projects 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 one RAP forum hosted by Dja Dja Wurrung Clans Aboriginal Corporation at Creswick in May. Participating in the RAP forum 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 the forum.</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 were 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>No applications were received.</p>
<p>Facilitate mediation between RAPs</p> <p>The legislative power specifically relates to mediation between RAPs.</p>	<p>No applications were 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>No advice was sought by the Minister in relation to the training and appointment of inspectors.</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.</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>Council continued to work in partnership with the Office of Aboriginal Affairs on the JSG, which is made up representatives from both agencies. The JSG spent the reporting period developing its Draft Report 2016, which was released for public comment in September 2016.</p> <p>No advice was sought in relation to the return of secret or sacred objects.</p>
<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>No advice was sought.</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.</p>

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:

- The Aboriginal Heritage Amendment Bill 2015
- Progressing the commitment to greater independence for the Council
- Identifying opportunities to promote understanding and awareness of Aboriginal cultural heritage matters that could arise following the local government election processes
- Use of the term 'Kulin Nation'
- Seeking solutions to the problems that arise when an individual Aboriginal person holds Ancestral Remains without reburial in Country.

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

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.

In March, Eleanor Bourke and Rodney Carter represented Council at the National Museum of Australia's *Encounters Conference* in Canberra. Eleanor and Rodney spoke about the Council's work regarding the return and protection of Ancestral Remains, the legal recognition of Victorian Traditional Owners' rights to manage their cultural heritage and ways in which institutions, such as museums and universities, can work with Traditional Owners regarding their cultural materials.

More than 80 representatives, from 50 different organisations and agencies, participated in roundtable discussions at the Council's stakeholder meeting in May at the Melbourne Museum. The discussions focussed on engagement between Traditional Owners and local government; Aboriginal cultural heritage and land management; amendments to the Act; protection of Ancestral Remains; and promoting awareness of Aboriginal cultural heritage. Following the meeting, Council produced a summary report of the various ideas and concerns shared in each of the discussions.

In May, Nellie Flagg and Mick Harding represented the Council at the 2016 Koorie Youth Summit and heard young Aboriginal peoples' views and aspirations.

Following on from late 2015, Council continued working on the production of a documentary film regarding the return and protection of Ancestral Remains in Victoria. The documentary will provide guidance to Traditional Owners about the process of returning Ancestors to Country and increase awareness amongst the broader Victorian community about the importance of respecting and protecting Ancestral Remains.

In addition, Council met with the following:

- Aboriginal Victoria
- Attorney General, The Hon. Martin Pakula
- The Hon. Heidi Victoria, Shadow Minister for Aboriginal Affairs, and Greg Barber, Victorian Greens Leader, about the Aboriginal Heritage Bill and other Council projects and priorities
- Emergency Management Commissioner, Craig Lapsley
- Federation of Traditional Owner Corporations Board
- Local Government Victoria
- Mallee Catchment Management Authority
- Parks Victoria
- Special Minister of State, The Hon. Gavin Jennings
- Victorian Coastal Council
- Victorian Aboriginal Education Association Inc.

Governance functions under the <i>Public Administration Act 2004</i> and other applicable legislation	Progress Update
Strategic Planning	Council commenced developing a monitoring and evaluation framework for Council's Strategic Plan 2014-2019.
Internal policies and procedures	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.
Freedom of Information 1992	<p>Council lodged a return for the financial year ended 30 June 2016 as required by the legislation.</p> <p>Council received one request in the reporting period.</p>

