

Welcome to the sixth edition of the Victorian Aboriginal Heritage Council's (Council) newsletter, which outlines some of the Council's key work over the last six months. This is also my first newsletter since I was elected Chairperson in September 2016.

I am honoured to lead the Council in its commitment to the protection and management of Victoria's Aboriginal cultural heritage and I thank the Council for nominating me as Chairperson.



*I would like to take this opportunity to thank Mick Harding as outgoing Chairperson and Jennifer Beer as outgoing Deputy Chairperson for their leadership. I would also like to congratulate my fellow Council member, Tim Chatfield, on his election as Deputy Chairperson. I look forward to working closely with Tim and the rest of the Council as we continue to transition to our new functions, which came into effect on 1 August 2016.*

*I wish you and your families a safe and happy end-of-year and look forward to continuing to work with you in 2017.*

*Eleanor A Bourke  
Chairperson*

### **An update on Council's transition to its new powers and functions under the amendments to the Aboriginal Heritage Act 2006**

As part of its increased powers and functions under the *Aboriginal Heritage Act 2006* (Vic) (Act), Council now acts as the central co-ordinating body responsible for overseeing, monitoring, managing, reporting and returning Ancestral Remains. Using Council's new powers of delegation under the Act, we have established a number of Ancestral Remains Advisory Committees to carry out some of this work. These committees ensure that Council can respond to matters involving Ancestral Remains in a timely manner. This is particularly important where decisions need to be made quickly in the interests of respecting and protecting our Ancestors. The Committees will work closely with the Ancestral Remains Unit (see below).

Council is also in the process of contacting all universities and public entities to ensure all Ancestral Remains in the possession of these organisations are transferred to Council. This is an important first step in returning our Ancestors to Country wherever possible.

Council is now also empowered to approve Cultural Heritage Management Plans (CHMPs) and Cultural Heritage Permits (CHPs) submitted by Registered Aboriginal Parties (RAPs). To ensure the timely determination of applications for CHMPs and CHPs in line with statutory time-frames, Council has established Advisory Committees that will take on this responsibility by delegation.

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### **A dedicated Ancestral Remains Unit**

To assist Council in implementing the new legislation and its responsibilities regarding Ancestral Remains in Victoria, our Secretariat now includes an Ancestral Remains Unit. This Unit has three full-time staff whose tasks will include:

- responding to reports of possible Ancestral Remains
- working with Traditional Owners and others to return Ancestors to Country
- working with Traditional Owners and others to protect burial places
- working with universities and public entities to advise them about their reporting requirements.

If you need to make a report or would like more information about Council's new role, please contact Nathan Woolford, Manager of the Ancestral Remains Unit, on 03 8392 5396 or 0437 528 994 or at [nathan.woolford@dpc.vic.gov.au](mailto:nathan.woolford@dpc.vic.gov.au)

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## Key stakeholder meetings

Council is committed to continuing to advocate for the rights of Traditional Owners and regularly seeks opportunities to engage with high-level government officials for this purpose. In June, the Council met with the Minister for Aboriginal Affairs, the Hon. Natalie Hutchins MP, to discuss a range of issues including the implementation of Council's new functions and powers under the Act and what greater independence for Council might look like.



Clockwise from top left:  
Nellie Flagg, Rodney Carter, Tim Chatfield, Eleanor Bourke, Jill Gallagher, Jennifer Beer, Mick Harding, Minister for Aboriginal Affairs the Hon. Natalie Hutchins MP and Jim Berg.

Council's new powers and functions also formed the basis of discussions when our previous Chairperson, Mick Harding, met with the Attorney General of Victoria in June and with the Special Minister of State in July. Mick also attended meetings with the Chairperson of the Victorian Coastal Council, Cathy Whelan, to talk about collaborative opportunities, and with Craig Lapsley, Emergency Management Commissioner of Victoria, where discussion centred around how to better protect and manage Aboriginal cultural heritage in emergency situations. We are very pleased that Craig responded to our invitation to contribute his perspective about the protection and management of Aboriginal cultural heritage in emergency management, which is featured below.

We have also met with Jason Mifsud, Executive Director of Aboriginal Victoria, and the Chair and Indigenous Heritage Expert of the Australian Heritage Council about various matters including amendments to the Act and implementation of Australia's Heritage Strategy, to which Council provided input.

### ***Contribution from Victoria's Emergency Management Commissioner***

*As Emergency Management Commissioner, I am committed to working with the Aboriginal community to better understand and protect Aboriginal cultural heritage. The emergency management sector is made up of community, government, business and agencies and we have a shared responsibility to make communities safer and more resilient. This includes working together to protect what we value.*

*Through listening to and learning from Registered Aboriginal Parties and other Traditional Owners, we can gain better insight and awareness of important culture heritage sites in given areas. This will allow us to better incorporate the protection of Aboriginal heritage and culture into emergency management planning and preserve cultural heritage sites as much as possible during and after emergencies. This is a benefit for all Australians.*

*The Emergency Management Diversity and Inclusion Framework outlines the importance of the sector reflecting and connecting with Victoria's diverse communities. We need to expand our reach so that everyone feels welcome and supported to participate in planning for, responding to and recovering from emergencies. I welcome the opportunity to work more closely with the Victorian Aboriginal Heritage Council in order to achieve this.*



**Craig Lapsley**  
**Emergency Management Commissioner of Victoria**

## Promoting awareness of Aboriginal cultural heritage and the rights of Traditional Owners

Council is dedicated to ensuring that the cultural rights and responsibilities of Traditional Owners are realised and respected. Some of the ways in which Council has advocated for this in the last six months include:

- Presenting about the Council's role and work at events and workshops. Council presented a short video about protecting burial places and important landscapes along Victoria's coast at the 2016 National Coast to Coast conference held in Melbourne in late August.
- Meeting with the Catchment Management Authorities' Indigenous Facilitator Network in September.
- Making submissions to various reviews of legislation and policy. This has included submissions to the Aboriginal Local Government Action Plan (ALGAP), in which Council emphasised the need for LGAs to adopt proactive measures to involve RAPs and/or other Traditional Owner groups, particularly in regards to land use planning and other matters that may have implications for the protection of Aboriginal cultural heritage. The Council also responded to Victoria's Regional Statement, produced by the Victorian Government, and reiterated the role of RAPs and the need for strong engagement with RAPs around all facets of the Statement. Council has also made a submission to the Marine and Coastal Act (MACA) Consultation Paper, advocating for the appropriate recognition of Traditional Owners in the MACA, moving beyond the notion that only scientific knowledge should determine future measures to protect our coasts and seas, and the critical place of Traditional Owners in governance and institutional arrangements under the MACA.
- Representation on various external reference, working and advisory groups/committees, including:
  - Aboriginal Treaty Interim Working Group
  - Aboriginal Victoria's Governance and Sector Support Reference Group
  - Right People for Country Program Steering Committee
  - Shared Values Joint Working Group with the Heritage Council of Victoria
  - Victorian Climate Change Advisory Panel
  - Community Reference Group for the Victorian Environmental Assessment Council (VEAC) Statewide Assessment of Public Land

The Council also welcomed the release of VEAC's final report on the Historic Place Investigation, which recommends continuing support for the work piloted in partnership by the Council and the Heritage of Council Victoria to recognise and protect shared values of Victoria's history.

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## Supporting better policy and practice

A number of Council members represented Council at the launch of *bullarto-buluk*, the Department of Economic Development, Jobs, Transport and Resources Aboriginal Inclusion Plan in August. Council member Nellie Flagg also attended the launch of the Catchment Management Authorities' Indigenous Participation Guideline (Guideline) in September. Council provided input to the development of the Guideline throughout 2015 and 2016. Photo by Ines @ Moko Creative, courtesy of North East Catchment Management Authority.



## Regional stakeholder meeting in Geelong – 8 September 2016

Continuing our commitment to stakeholder engagement, Council held a stakeholder meeting in Geelong as part of our regional meeting there in September. Council aims to meet regionally at least once a year to hear about issues and ideas concerning Aboriginal cultural heritage protection and management from across the State. This year, our stakeholder meeting was attended by 32 participants from 25 organisations/agencies. Matters raised at the meeting are available for you to read in the Summary Report.

Council is planning two stakeholder meetings again in 2017: the first will be in Melbourne and the second in Gippsland, with dates to be confirmed.



**Left:** Participants of one of the breakout groups talk with Council members Tim Chatfield and Jill Gallagher about Aboriginal cultural heritage and land management.

**Right:** Council's Transition Project Manager Janine Major and Council member Mick Harding feed back to the whole group on the discussion in the breakout group which looked at Amendments to the Act and Council's new functions and powers.



## Visit on Country with Wadawurrung

As part of our regional meetings, Council meets with the relevant RAP or other Traditional Owner(s) to visit country and learn about the protection of heritage in the area. We were fortunate to be shown around Wadawurrung Country by Bryon Powell of the Wathaurung Aboriginal Corporation, with visits to the You Yangs and Wurdi Youang.



## Yarning with fellow first peoples

On 5 August, Council members met with Jim Enote, Zuni tribal member, Director of the A:shiwi A:wam Museum and Heritage Center at Zuni, New Mexico, and Director of the Colorado Plateau Foundation.

We reflected on our experiences as presenters at the National Museum of Australia's Encounters conference, held in Canberra in March 2016, as well as commonalities we share as first peoples.



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## Supreme Court upholds Council decision

Council welcomes the decision handed down by Justice Bell of the Supreme Court on 28 September 2016 in the matter of Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) -v- Aboriginal Heritage Council. GLaWAC applied to the Supreme Court to seek review of the Council's decision to decline its application to be appointed as a RAP over an area including Wilsons Promontory. This is the first application for judicial review of a Council decision since we began receiving applications in 2007.

In summary, the Supreme Court refused GLaWAC's application, upheld the Council's decision, endorsed the Council's decision making processes, and ordered costs in favour of the Council.

Council is committed to continuing a fair, considered and thoughtful approach in our decision making. This judicial decision reinforces our decision-making processes and we will continue its work to protect Victoria's precious Aboriginal cultural heritage in tandem with RAPs as required by Victorian law.

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## Looking ahead

Our priorities for the next six months include:

- continuing to contact all universities and public entities to work with them to develop timelines for the transfer of any Ancestral Remains which may be required to be transferred to Council under the amendments to the Act
- disseminating information about everyone's responsibilities under the new legislation regarding the treatment of Aboriginal secret and sacred objects
- in consultation with RAPs and other stakeholders, considering the most effective ways to assist RAPs through our new functions
- updating our Ancestral Remains database to better manage information regarding the transfer and repatriation of our Ancestors' Remains
- investigating options for the respectful storage and analysis of Ancestral Remains
- working consistently on updating our internal policies and procedures to incorporate our new functions
- establishing Advisory Committees to specifically assist and advise us in managing the new Aboriginal Cultural Heritage Fund
- reviewing our 2014-2019 Strategic Plan to develop an updated plan which reflects our new powers and functions under Act. We'll be meeting in early 2017 and will finalise a new plan in mid-2017
- continuing conversations with the Aboriginal Heritage Council of Tasmania and the State Aboriginal Heritage Committee of South Australia about engagement to share learnings and insights about cultural heritage management and protection.

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**For more information about Council, visit**

<http://dpc.vic.gov.au/index.php/aboriginal-affairs/victorian-aboriginal-heritage-council>