

Victorian Aboriginal Heritage Council Magazine

Edition 11 - June 2020



VICTORIAN ABORIGINAL
HERITAGE COUNCIL

Published by the Victorian Aboriginal Heritage
Council

3 Treasury Place, East Melbourne, Victoria 3002
June 2020

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We acknowledge the Traditional Owners of
Country throughout Victoria and pay our respect
to them, their culture and their Elders past,
present and future.

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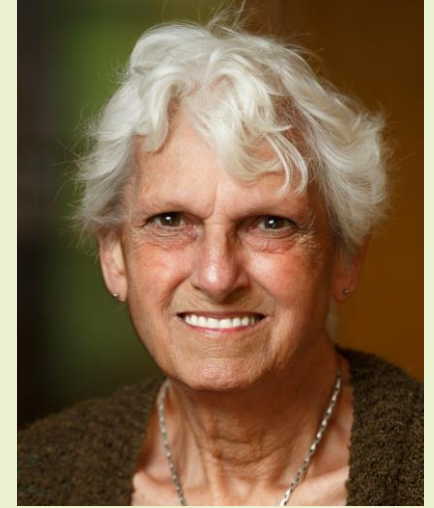
Rodney Carter
Chairperson



Sissy Pettit Havea
Deputy Chairperson



Geraldine Atkinson



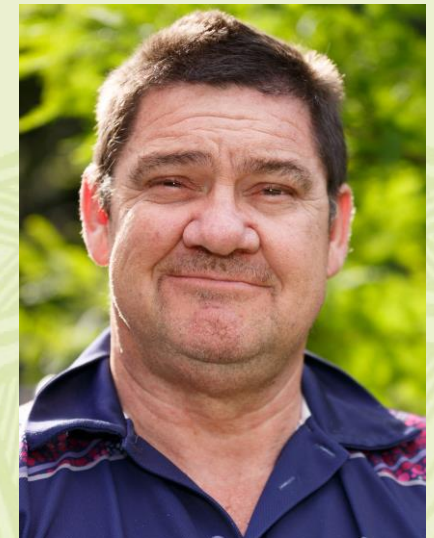
Jennifer Beer



Racquel Buis-Kerr



Bonnie Chew



Kenny Stewart



Chairperson's Introduction

Since we last shared our work with you, our People have endured extraordinary difficulties and hardship. The fires that ravaged our Country at the start of this year were swiftly followed by COVID-19. The effect of these two catastrophes and states of emergency meant that Traditional Owners had their connections to Country and Elders disrupted and changed, in many cases, for generations.

Our People are the guardians as the recipient of our Ancestors' knowledge and wisdom. Whilst we practice the oldest living Culture on earth with pride and passion, we also share the legacy of our most recent history with all Australians.

We hope in a future, not far from now, our shared history will be something to be celebrated like never before and all our children grow, speaking the first Australian languages and enjoying the beauty and diversity of Victoria's many First Peoples' Cultures.

Together, we as Victorians must talk about this history and the many impacts of colonisation on our People. From a Traditional Owner perspective, support us to De-Colonise our Country and homelands so, as First Peoples, we can fulfill our rightful place as the owners and custodians of our Culture for the benefit of others.

Together, we must find a way to thrive, grow and evolve in positive collective recognition.

Together, there can be a path to reconciliation that strengthens us all.

We have many achievements to celebrate together and as First People we share our survival and commitment towards a positive future.

We ask all Victorians to stop and consider the ways in which we can individually move our community to a place of cultural safety for all.

Rodney Carter
Chairperson

RAP Connect

Since the implementation of COVID-19 restrictions on gatherings, Council has provided a platform for RAPs to come together in a bi-weekly teleconference. RAP Connect is a genuine forum for discussion about both the RAPs and Council's work that has resulted in some significant outcomes. Working together, with representation from all RAPs and across all areas of work within those RAPs, the group has developed:

- A discussion paper for legislative change in Victoria for better protection of Aboriginal Cultural heritage
- A framework for naming of unnamed waterways
- Guidelines for RAPs undertaking fieldwork during COVID19 restrictions.



Impact on RAPs of the COVID-19 response

RAPs perform a crucial function in the State's development activities. They also perform a crucial function for their local Traditional Owner communities. They are often leading exemplars of Aboriginal community organisations successfully undertaking commercial activity. For these reasons the Victorian Government has invested considerable resources in the development of RAPs. It is important this investment is protected.

A RAP's largely unique business-facing position has the consequence that the relaxation of funding acquittal obligations by itself may not be sufficient to ensure the ongoing full functionality of RAPs after the COVID19 restrictions have been lifted. Additional support to RAPs during the COVID19 restrictions would also be of direct benefit to regional Aboriginal communities that will be particularly affected by the general decline in economic activity in the State during and after the COVID19 restrictions.

Council calls on the support of its stakeholders to support it and RAPs in seeking further investigation into developing a funding support package particularly tailored to Registered Aboriginal Parties under the Aboriginal Heritage Act 2006 be undertaken.

Registered Aboriginal Parties and Fieldwork during COVID19 Restrictions Policy Guidelines

Council has published these Policy Guidelines to provide guidance for RAPS, heritage advisors and sponsors to the circumstances in which CHMP or cultural heritage permit fieldwork can proceed under COVID19. They are published pursuant to sections 132(2) (cg) (ch) and (ck) of the Aboriginal Heritage Act 2006.

On 6 April 2020 Aboriginal Victoria issued an Advisory Notice regarding Registered Aboriginal Party (RAP) Fieldwork during the current restrictions. That Advisory Notice may have given the impression that the provisions of ss 59 and 60 of the Act operated in the current circumstances to the effect that where a RAP declined to participate in proposed Fieldwork activities related to a Cultural Heritage Management Plan or cultural heritage permit as a result of concerns relating to the health and well-being of its employees then the fieldwork could proceed and still satisfy the requirements of the Act.

The purpose of this Guideline is to clarify that impression and to provide guidance for RAPS, Heritage Advisors and Sponsors as to the circumstances in which CHMP or cultural heritage permit Fieldwork can proceed in the current circumstances.

<https://www.aboriginalheritagecouncil.vic.gov.au/registered-aboriginal-parties-and-fieldwork-during-covid19-restrictions>

Variations to Registrations of Aboriginal Parties

Understanding section 155 of the Aboriginal Heritage Act 2006

Once a RAP is registered, section 155 of the Aboriginal Heritage Act 2006 gives Council broad powers to make a variation of a RAP's registration, subject to the consent of the relevant RAP(s).

“(1) The Council may vary the registration of a Registered Aboriginal Party (RAP) with the consent of that party and, if there are other RAPs for that area, with the consent of each of those parties.

(2) A variation under this section may include a variation to the boundaries of the area for which the Registered Aboriginal Party is registered.”

Council's power to make variations is a discretionary power

The power to make a variation may be exercised at Council's discretion:

- upon the request of an existing RAP
- by a determination of Council.

There are no time limitations to the Council's power to determine variations to registration

In considering a request to vary the registration of an existing RAP under section 155 the detailed matters and time frames applicable in determining applications under sections 150 and 151 are not relevant.

Variation determinations come into effect:

- Upon consent of the relevant RAP(s).
- At date or time stipulated by Council subject to the consent of relevant RAP(s).

www.aboriginalheritagecouncil.vic.gov.au/variations-registrations-aboriginal-parties

Council Decisions

Boonwurrung Land and Sea Council (Aboriginal Corporation) (BLSC)

At its meeting on **12 December 2019**, the Victorian Aboriginal Heritage Council decided to decline BLSC's RAP application in relation to an area that includes:

part of the Melbourne CBD, and extends out to include Richmond and Cremorne in the inner east, part of Collingwood in the inner north-east, and Kensington in the inner west; the Dandenong Ranges in the east, and extends further east to Neerim and Noojee; includes the Mornington Peninsula and Tarwin and Wilson's Promontory to the south and to the west an area that includes Caroline Springs, Deer Park, Hoppers Crossing, Laverton, Plumpton and Sunshine.

Eastern Maar Aboriginal Corporation

Further strengthening the empowerment of Traditional Owners under Victorian legislation to manage Country, on **6 February 2020** Council varied the boundaries of the Eastern Maar Aboriginal Corporation (EMAC). The changed boundary extends:

easterly from EMAC's existing shared RAP area, including the townships of Warrnambool, Terang, Mortlake, Camperdown, Colac, Apollo Bay, Lorne and Cressy as well as the Great Otway National Park. The area is bounded to the north west by the Grampians National Park and extends through Ararat north easterly. Its northernmost point is just across the Wimmera River.

www.aboriginalheritagecouncil.vic.gov.au/news

RAP Applications and Variations currently before Council

Bangerang Aboriginal Corporation (received April 2020)

Bunurong Land Council Aboriginal Corporation (received February 2017)

Taungurung Land and Waters Council Aboriginal Corporation (received October 2007)

www.aboriginalheritagecouncil.vic.gov.au/registered-aboriginal-party-applications-council

The Victorian Aboriginal Heritage Council is calling for legislative reform to protect Aboriginal Cultural Heritage

Reviewing the Aboriginal Heritage Act 2006

To ensure Traditional Owners have the requisite regulatory support to protect the oldest living Culture on earth, the Council is undertaking a review of the Act.

Council has developed a Discussion Paper to consider key sections of the Act that need strengthening to enshrine both self-determination and the United Nations Declaration on the Rights of Indigenous Peoples, in Victorian Aboriginal Cultural Heritage legislation.

“The protection of Aboriginal Cultural Heritage in Victoria has only been necessitated since intrusion on our Country. Across Australia, the 1993 federal Native Title Act offered a statutory acknowledgement of ownership that was limited in its approach to connection to Country. In Victoria, this necessitated that key legislation was passed to ensure security for our Traditional Owners. “

Rodney Carter

In 2007, the Aboriginal Heritage Act came into being, enshrining Council and its responsibilities to register Aboriginal parties to manage both Country and Cultural Heritage. Also in 2007, the United Nations General Assembly adopted the significant Declaration on the Rights of Indigenous Peoples. Supporting the survival, dignity and wellbeing of Our People, the Declaration is the foundation of Council's work.

The Aboriginal Heritage Act and Declaration, together, provide some of the greatest protections for Traditional Owners in the country. However, there is still much to be done in realising a fundamentally self-determined and tangible ownership of our Culture, Heritage, History and Country.



Taking Control of Our Heritage

Council has published *Taking Control of Our Heritage*, a Discussion Paper on legislative reform of the Aboriginal Heritage Act 2006. The objective of the Paper is to help everyone, Aboriginal and non-Aboriginal, Victorian and non-Victorian, have their say on the operation of the Act.

The Paper organises proposals for legislative change into themes corresponding to mechanisms and parts of the Act. Each has its own section which explains the key purpose of the proposed change and invites submissions and questions.

The primary focus of the review is the Act, however, if issues raised relate to the Aboriginal Heritage Regulations 2018 these will also be considered.

“We all have a part to play in ensuring our Peoples’ rights to self-determination, our Culture and Country. We seek the support and contribution of everyone to work with us on ensuring that the statutory protections our Peoples have for their Culture is commensurate to over 40,000 years of connection to Country.”

Rodney Carter

www.aboriginalheritagecouncil.vic.gov.au/taking-control-our-heritage

Caring for Country Projects

Council's vision is for all Victorians understand and respect our diverse Aboriginal identity and Cultures, with Traditional Owners as the primary custodians for heritage of the past, present and future.

A long-standing statutory function of Council is to promote public awareness and understanding of Aboriginal Cultural Heritage in Victoria. Complementing this function is Council's role to promote and facilitate research into Aboriginal Cultural Heritage.

Caring for Country is a Council initiative to support Traditional Owners in undertaking their responsibilities for Country. It provides a space for Traditional Owners to talk about why it is important to protect Cultural Heritage and discuss how it is managed on Country.

Caring for Country includes events, conference, video series and radio program in partnership with 3KND radio station.

www.aboriginalheritagecouncil.vic.gov.au/caring-for-country

Caring for Country on 3KND

Interviews with Traditional Owners on protecting Aboriginal Cultural Heritage

The Victorian Aboriginal Heritage Council has partnered with 3KND radio station to talk about Caring for Country. The new and deadly segment will be a yarn with a different Traditional Owner each month about protecting Aboriginal Cultural Heritage. Catch it live on the last Wednesday of each month at 8:30am.

www.aboriginalheritagecouncil.vic.gov.au/caring-for-country-radio



Caring for Country and Legislative Reform

24 June 2020, 3-4.30pm

A live digital event on the legislative impact on caring for Country

Caring for Country will provide a platform for Traditional Owners to share their views and experiences about caring for Country and the legislation through which they do this.

The discussion will focus on the current Australian and Victorian legislations that protect Aboriginal Cultural Heritage and explore what additional legislative protections are required to ensure all in the community better respect and care for Country.

This event will be free, online, fully inclusive for and accessible to all through ZOOM.

www.aboriginalheritagecouncil.vic.gov.au/caring-country-and-legislative-reform

Indigenous Cultural Heritage Conference

24-26 November 2020, Melbourne

The *Taking Control of our Heritage* Conference 2020 provides the first opportunity for Traditional Owners and their allies to meet, discuss, and develop programs, strategies and ideas to take control of their Cultural Heritage in Australia.

The Conference is for all Traditional Owners, their organisations and those that work with them in the promotion, management and protection of Indigenous Cultural Heritage. The Conference program will encompass several relevant themes, prominent international and national speakers as well as a comprehensive social program.

www.aboriginalheritagecouncil.vic.gov.au/indigenous-cultural-heritage-conference-2020

24-26 NOVEMBER 2020
TAKING CONTROL
OF our heritage



Stakeholder Snapshot – Geographic Names Victoria

Our Languages Matter: how Geographic Names Victoria is preserving culture and history through Aboriginal place naming

Did you know that every two weeks a language disappears, taking with it an entire cultural and intellectual heritage? UN research shows that at least 43% of the estimated 6000 languages spoken in the world are endangered.

Closer to home, the Australian Institute of Aboriginal and Torres Strait Islander Studies has found that at the time of European settlement in 1788, more than 250 Indigenous Australian languages were spoken, including 800 dialectal varieties. Now, 90 per cent of these are endangered. Across Australia there are only 13 languages that Indigenous Australian children are being taught from a young age. Approximately another 100 or so are spoken to various degrees by older generations, with many of these languages at risk as Elders pass away.

In response, Geographic Names Victoria (GNV), together with the Victorian Aboriginal Heritage Council (VAHC), is working to protect, preserve and honour Australia's First People's languages through place naming. GNV manages the register of names of roads, features and localities across the state and the team has collaborated with VAHC for many years to ensure Aboriginal languages are given greater recognition in the naming process and a pathway for Traditional Owners to have places named using their languages has been established. This work has led to the redevelopment of the regulatory framework to support this with the 2016 Naming rules for places in Victoria.

Further collaboration occurred on the, Our languages matter: Aboriginal place name workshops that brought together Traditional Owners, local councils, state government departments and naming authorities to learn from Registered Aboriginal Parties and Traditional Owners about the importance of language, in the place naming process. 320 Attendees at 8 workshops, considered naming, and renaming roads, features and localities with Aboriginal language. The workshops were awarded the Australian Good Design Green Tick Award, as well as becoming finalists for the 2019 Premiers Design Awards and the IPAA Awards. 2020 will see two more workshops held.



In 2019, the United Nations International Year of Indigenous Languages saw many initiatives take place to promote Victorian Aboriginal languages. These included:

- launching two place-naming documentaries on the importance of Aboriginal language, the strong connection to Country and the Aboriginal histories and origins of the Woowookarung and Budj Bim,
- supporting the River of Language exhibition at the Melbourne Museum
- sponsoring six Victorian Traditional Owners to attend the Indigenous Mapping workshop held in Perth to build their capacity in spatial applications and data capture to assist in self-determination
- launching the Victorian public sector's first intergovernmental workshop on Aboriginal initiatives.

The United Nations has proclaimed an International Decade on Indigenous Languages and GNV will continue to work with our Traditional Owners, and partners to deliver activities that protect, preserve and honour Victoria's Aboriginal languages.

If you have any questions or would like further information please do not hesitate to contact the GNV team via geo.names@delwp.vic.gov.au .



Declaration on the Rights of Indigenous Peoples

Supporting the survival, dignity and wellbeing of Our People

The United Nations General Assembly adopted the significant Declaration on the Rights of Indigenous Peoples in 2007.

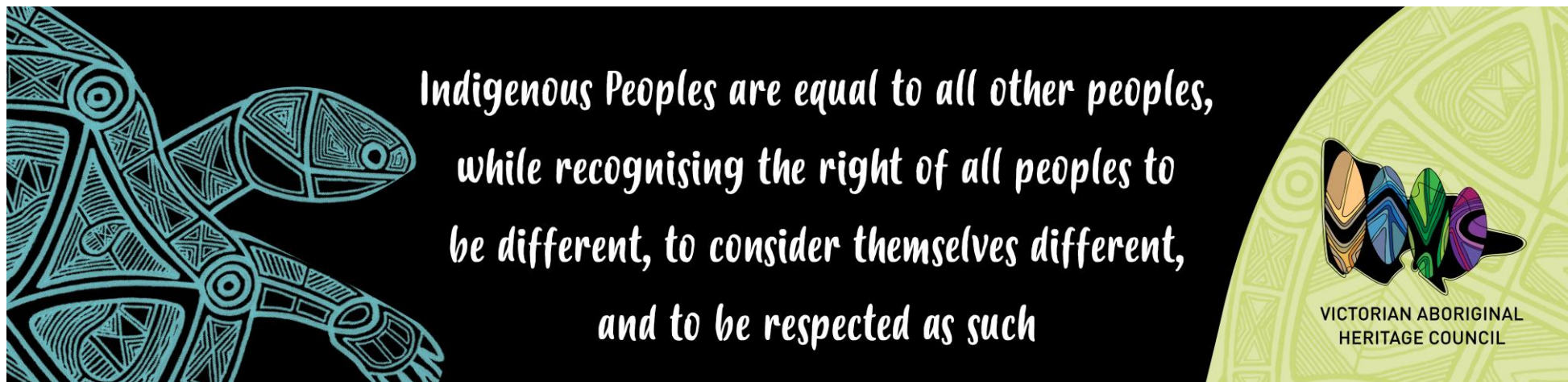
However, there is still much to be done in realising this commitment and Council calls for all Victorians to join us in affirming that:

“Indigenous Peoples are equal to all other peoples, while recognising the right of all peoples to be different, to consider themselves different, and to be respected as such.”

Council has produced four A4 sized posters for you to download and print. The posters reflect the shields in Council's logo and represent the four environments that make up our Country:

- gold and ochre represent desert sands and dry country
- green for the forests and grasslands
- blue for the waters, rivers and lakes
- purple represents our Countries in the metropolitan regions as well as in the basaltic and volcanic plains.

<https://www.aboriginalheritagecouncil.vic.gov.au/declaration-rights-indigenous-peoples>



THE VICTORIAN ABORIGINAL
HERITAGE COUNCIL CALLS FOR ALL
VICTORIANS TO AFFIRM THAT:

*Indigenous Peoples are equal
to all other peoples,
while recognising the right
of all peoples to be different,
to consider themselves different,
and to be respected as such*

WE ASK THAT EACH OF US
RECOGNISE IN OURSELVES,
OUR WORKPLACES AND
OUR INSTITUTIONS, THAT
INDIGENOUS PEOPLES HAVE
THE RIGHT TO:

Self-determination

Self-government in matters
relating to their internal affairs,
as well as ways and means for
financing their autonomous
functions

Not be subjected to forced
assimilation or destruction
of their Culture

Not be forcibly removed from
their lands or territories

Practise and revitalise their
Cultural Traditions and Customs

Manifest, practise, develop
and teach their spiritual and
religious Traditions, Customs
and Ceremonies

Maintain, protect, and have
access in privacy to their
religious and cultural Sites

The use and control of their
Ceremonial Objects

The repatriation of their
Ancestral Human Remains

Revitalise, use, develop and
transmit to future generations
their histories, languages, oral
traditions, philosophies, writing
systems and literatures

Designate and retain their own
names for communities, places
and person

Participate in decision-making
through representatives chosen
by themselves, in accordance
with their own procedures, as
well as to their own decision-
making institutions

Maintain and strengthen their
distinctive spiritual relationship
with their traditionally owned
lands, territories, waters
and coastal seas and other
resources

Maintain, control, protect and
develop their Cultural Heritage,
Traditional Knowledge and
Traditional Cultural Expressions

The manifestations of their
sciences, technologies and
cultures, including human
and genetic resources, seeds,
medicines, knowledge of the
properties of fauna and flora,
oral traditions, literatures,
designs, sports and traditional
games and visual and
performing arts



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