

STATEMENT OF REASONS FOR THE DECISION OF THE VICTORIAN ABORIGINAL HERITAGE COUNCIL
IN RELATION TO AN APPLICATION BY GUNAIKURNAI LAND AND WATERS ABORIGINAL
CORPORATION

DATE OF DECISION: 24 May 2017

1. **Decision**

The Victorian Aboriginal Heritage Council (**Council**) has approved, in part, the application of the Gunaikurnai Land and Waters Aboriginal Corporation (**GLaWAC**) to be registered as a Registered Aboriginal Party (**RAP**) under the *Aboriginal Heritage Act 2006* (**Act**).

2. **Decision Area**

The Council made decisions to appoint GLaWAC for Area A and Area B of GLaWAC's RAP application area (**Decision Area**). A map showing the Decision Area is set out below.

GLaWAC was previously appointed as a RAP for the Decision Area, but its registration as a RAP was revoked by the Secretary to the Department of Premier and Cabinet when GLaWAC was placed into special administration on 7 November 2016.

3. **Findings of Fact and Evidence**

AREA A

In relation to Area A of the Decision Area (**Area A**), Council has made the following findings of fact, based on the evidence and other material detailed.

Recognition and Settlement Agreement (s 151(2A) of the Act)

GLaWAC's application was made on the basis that it was a traditional owner group entity for Area A, having entered into a recognition and settlement agreement within the meaning of s 151(2A) of the Act over that area. GLaWAC provided documentary evidence of its recognition and settlement agreement, dated 22 October 2010.

Based on the available information, Council finds that GLaWAC is a traditional owner group entity for Area A and that it has entered into a recognition and settlement agreement with the State of Victoria (**State**) in relation to that area.

Reasons for Decision

In determining GLaWAC's application over Area A, Council has taken into account s 151(2A) of the Act, which obliges Council to register an applicant as a RAP for an area where that applicant is a traditional owner group entity having entered into a recognition and settlement agreement with the State over the relevant area.

Having regard to its obligations under s 151(2A) of the Act and all matters detailed above, approves GLaWAC's application to be registered as a RAP over the Area A.

Charter of Human Rights and Responsibilities

Council gave careful consideration to the *Charter of Human Rights and Responsibilities Act 2006* (**Charter**), in particular the relevant distinct cultural rights of Aboriginal persons in s19(2)(d) of the Charter. Council formed the view that the decision to register GLaWAC is compatible with the Charter.

Council has also taken all matters detailed above into account, and approves GLaWAC's application to be registered as a RAP over the Area B.

Eleanor A Bourke

Victorian Aboriginal Heritage Council