

**DECISION OF THE VICTORIAN ABORIGINAL HERITAGE COUNCIL IN RELATION TO AN APPLICATION BY THE TATI TATI WADI WADI ABORIGINAL CORPORATION TO BE A REGISTERED ABORIGINAL PARTY**

**DATE OF DECISION: 7 April 2011**

**Decision**

The Victorian Aboriginal Heritage Council (Council) has decided not to register the Tati Tati Wadi Wadi Aboriginal Corporation (TTWW) (formerly Tati Tati Aboriginal Corporation (TTAC)) as a registered Aboriginal party (RAP) under the *Aboriginal Heritage Act 2006 (Act)*.

**Reasons for Decision**

Part 10 of the Act requires the Council to consider a number of matters in making a decision. Council considered the application in light of these matters.

In making its decision, the Council considered all the information provided by the TTWW (and the former TTAC) in respect of the current and previous RAP applications. Council decided not to appoint TTWW for reasons outlined below.

***Land based agreements/titles***

In considering the application, Council noted that:

- TTWW is not a Native Title Holder or a Native Title Party;
- TTWW has not entered in to any native title agreement;
- TTWW does not have any grant of land in fee simple made by the State or the Commonwealth;
- TTWW does not refer to Land and Resource Management Agreements.

Council noted that parts of the area included in the RAP application by TTWW were subject to native title claims made on behalf of several different claimant groups. Council also noted that some members of TTWW were also members of at least one of these claimant groups.

***RAP application area***

TTWW had applied for an area which included Hattah-Kulkyne National Park in the North. The western boundary was the Calder Highway to its intersection with the Sunraysia Highway. From there the boundary extended easterly and south easterly along the Calder Highway to its intersection with the Peir Milan-Chinkapook Road, then eastward along Cocamba - Miralie Road to as far as the Murray River. From there it followed the Murray River back to the north eastern corner of Hattah-Kulkyne National Park. This area is identical to the area over which the same organisation (then incorporated under the name Tati Tati Aboriginal Corporation) sought to be a RAP in July 2008.

***Traditional and Familial links***

Council noted that the TTWW claimed it represented the interests of both Tati Tati and Wadi Wadi; and that TTWW relied on traditional and familial links of both Tati Tati and Wadi Wadi to the RAP application area.

Council considered the TTWW Rule Book approved on 21 March 2010 which stated that membership of TTWW is open to adult Aboriginal persons permanently resident in the “cultural heritage and native title boundaries of the Tati Tati Wadi Wadi people, including Robinvale, Euston Lake Benanee and surrounding areas of land and waters”.

Although Council noted that some members of TTWW may have traditional and familial links to the application area, the organisation was not specifically established to represent all the Traditional Owners of the application area, collectively. Council wrote to TTWW and requested information confirming the membership of TTWW and whether the application area, and other information including evidence of cultural heritage expertise and corporate governance capacity, related to Wadi Wadi people as well as Tati Tati people.

TTWW did not respond to this request for further information. Council noted that TTWW did not provide sufficient material to support the connection between its members and the apical ancestors to the claimed area. Council formed the view that TTWW failed to sufficiently demonstrate traditional and familial links to the RAP application area.

***Historical and contemporary interest and demonstrated expertise in managing and protecting Aboriginal cultural heritage***

TTWW did not rely on these links at the time of application. TTWW (and the former TTAC) provided details of cultural heritage management experience of some of its members.

***Other matters***

Council noted that some Directors of the TTWW Board have completed the "Managing Two Worlds" AAV/ORIC/ Consumer Affairs Victoria Governance Training workshops and a Certificate IV course in Business (Governance).

Council noted that although there is no RAP for the application area, mechanisms under the Act for the continued protection of Aboriginal cultural heritage in the absence of a registered RAP are available. Where there is no other organisation with RAP responsibilities, Council noted that responsibility lies with the Secretary of the Department of Planning and Community Development.

***Charter of Human Rights and Responsibilities***

The Council gave careful consideration to the *Charter of Human Rights and Responsibilities Act 2006 (Charter)*. Council formed the view that a decision not to register TTWW is compatible with the Charter.

**Conclusion**

Taking all of these matters into account and relying on its own cultural knowledge, the Council decided not to register TTWW as a RAP.



Jim Berg  
Chairperson  
Victorian Aboriginal Heritage Council