

DECISION OF THE VICTORIAN ABORIGINAL HERITAGE COUNCIL IN RELATION TO AN APPLICATION BY THE YAITMATHANG INDIGENOUS LANDS INCORPORATED TO BE A REGISTERED ABORIGINAL PARTY

DATE OF DECISION: 11 March 2011

Decision

The Victorian Aboriginal Heritage Council (**Council**) has decided not to register Yaitmathang Indigenous Lands Incorporated (**YILI**) as a Registered Aboriginal party (**RAP**) under the *Aboriginal Heritage Act 2006* (Vic) (**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 and decided not to appoint YILI based on the following reasons.

Overview

In considering the application Council noted among other things that:

- YILI is not a Native Title Holder or Native Title Party.
- YILI did not refer to any native title agreements, grants of land or agreements in relation to land and natural resource management.

Traditional and Familial links

Council noted:

- YILI asserted the members of YILI were descendants of an apical ancestor that identified as a Yaitmathang person.
- YILI provided some materials to support these links.
- YILI also identified other apical ancestors.
- The information provided by YILI in relation to experience of its members in cultural heritage management.
- That YILI did not provide information in relation to governance or operational plans.
- Other groups asserted Traditional Ownership in the application area, and that the application area completely overlapped with an appointed RAP or a RAP applicant.
- That other groups asserted that Yaitmathang people were members of and represented by those groups.
- The supporting materials provided by YILI contained scarce details about the identified apical ancestors and the link to the members of YILI.
- Council had written to YILI requesting further information and YILI did not provide any further information.

Historical and contemporary interest in Aboriginal cultural heritage and demonstrated experience in managing and protecting Aboriginal cultural heritage

YILI also asserted historical and contemporary interests and stated it would represent these interests by recognising all other tribes and sub-clans.

However, Council decided not to appoint YILI on this basis alone.

Charter of Human Rights and Responsibilities

The Council gave careful consideration to the *Charter of Human Rights and Responsibilities Act 2006 (Charter)*. It has formed the view that a decision not to register YILI 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 YILI as a RAP.



Jim Berg
Chairperson
Victorian Aboriginal Heritage Council