

DECISION OF THE VICTORIAN ABORIGINAL HERITAGE COUNCIL IN RELATION TO AN APPLICATION BY TAUNGURUNG CLANS ABORIGINAL CORPORATION

DATE OF DECISION: 27 June 2013

Decision

On 27 June 2013 the Victorian Aboriginal Heritage Council (**Council**) made a decision relating to the Taungurung Clans Aboriginal Corporation (**TCAC**) Registered Aboriginal Party (**RAP**) application in accordance with the *Aboriginal Heritage Act 2006 (Act)*.

Decision Area

The external boundary of the decision area is formed in the east by the 2009 TCAC appointed RAP area, in the north and west by the Campaspe River and in the south by the Calder Freeway (**Decision Area**).

Reasons for Decision

Traditional and familial links

In accordance with the Act, Council gives priority to groups with traditional and familial links to a particular application area in order to give appropriate status and rights to Traditional Owner groups in cultural heritage management and protection. The Council has previously made decisions which recognised TCAC as an organisation representing Traditional Owners that was able to demonstrate traditional links.

Negotiations and regional meetings between TCAC and other TO organisations

DDWCAC has entered into a Recognition and Settlement Agreement (**RSA**) under the *Traditional Owner Settlement Act 2010 (TOS Act)* with the State of Victoria in relation to its registered native title claim. The State of Victoria had previously identified DDWCAC as the highest priority for settlement under the TOS Act. Council made decisions in November 2012 and February 2013 to register DDWCAC, giving effect to the agreed common boundaries in terms of RAP appointments.

As a result of the RSA process and of the agreement-making entered into by TCAC with DDWCAC, a common boundary as between TCAC and DDWCAC was established and agreed generally following the Campaspe River. Both TCAC and DDWCAC have provided evidence of the discussions and outcomes leading to the establishment of a common boundary. Both TCAC and DDWCAC have provided details and descriptions of the common boundary itself. In relation to the Decision Area, Council is giving effect to the establishment of the agreed common boundary as between TCAC and DDWCAC.

Other relevant matters

Council gives priority to uncontested applications by inclusive groups with sustainable structures meeting the Act's requirements. Since TCAC's registration in 2009 it has carried out the responsibilities of a RAP, demonstrating expertise in cultural heritage management. An operational plan has been provided to Council.

Council sought the views of Traditional Owners from the same region as the applicant to inform its decision and considered all responses received.

Charter of Human Rights and Responsibilities

The 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 s 19(2)(d) of the Charter. The Council formed the view that the decision to register TCAC in the Decision Area is compatible with the Charter.

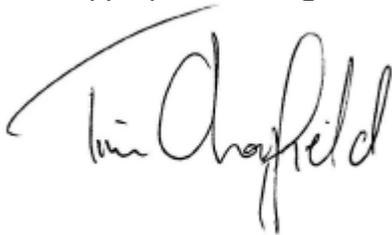
Summary

Having regard to the information presented above as well as other relevant factors, the Council reached the following conclusions:

- Evidence before Council demonstrates that TCAC is an organisation representing Traditional Owners that continues to meet the requirements of the Act in the Decision Area.
- TCAC has established an agreed common boundary with its neighbouring RAP, DDWCAC, as part of DDWCAC's RSA negotiations with the State of Victoria. TCAC and DDWCAC have provided details of this process and its outcomes in relation to the Decision Area.

Conclusion

Taking all of these matters into account, and relying on its own cultural knowledge, Council decided that it was appropriate to register TCAC for the Decision Area.

A handwritten signature in black ink that reads "Tim Chatfield". The signature is written in a cursive style with a large, sweeping initial 'T'.

Tim Chatfield
Deputy Chairperson
Victorian Aboriginal Heritage Council