

DECISION OF THE VICTORIAN ABORIGINAL HERITAGE COUNCIL IN RELATION TO AN APPLICATION BY WURUNDJERI TRIBE LAND AND COMPENSATION CULTURAL HERITAGE COUNCIL INC

DATE OF DECISION: 18 October 2013

Decision

On 18 October 2013, the Victorian Aboriginal Heritage Council (Council) made a decision relating to the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. (Wurundjeri) Registered Aboriginal Party (RAP) application in accordance with the *Aboriginal Heritage Act 2006* (Act).

Decision Area

The external boundary of the decision area (Decision Area) is formed in the north and east by the Great Dividing Range and the Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC) appointed RAP area, in the west by the Werribee River and the Wathaurung Aboriginal Corporation's appointed RAP area and in the south by Wurundjeri's previously appointed RAP area.

Reasons for Decision

Traditional and familial links

One of the objectives of the Act is to accord appropriate status to Aboriginal people with traditional and familial links to a RAP application area. Consistent with this objective, Council accords priority consideration to groups with traditional and familial links to an application area. The Council has previously made decisions recognising Wurundjeri as an organisation representing Traditional Owners, which was able to demonstrate traditional links.

Negotiations and regional meetings between Wurundjeri and other TO organisations

In relation to the Decision Area, Council is giving effect to the establishment of the agreed common boundary as between Wurundjeri and DDWCAC. This follows DDWCAC's entry 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.

As a result of the RSA process and of the agreement-making entered into by Wurundjeri with DDWCAC, a common boundary as between Wurundjeri and DDWCAC was established and agreed generally following the Great Dividing Range. Both Wurundjeri and DDWCAC have provided details and descriptions of the common boundary itself.

Other relevant matters

Council gives priority to uncontested applications by inclusive groups with sustainable structures meeting the Act's requirements. Since Wurundjeri'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 Wurundjeri 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 Wurundjeri is an organisation representing Traditional Owners that continues to meet the requirements of the Act in the Decision Area.
- Wurundjeri has established an agreed common boundary with its neighbouring RAP, DDWCAC, as part of DDWCAC's RSA negotiations with the State of Victoria. Wurundjeri 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 Wurundjeri for the Decision Area.



Rodney Carter
Chair
Victorian Aboriginal Heritage Council