

# Victorian Aboriginal Heritage Council Magazine

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VICTORIAN ABORIGINAL  
HERITAGE COUNCIL

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We acknowledge the Traditional Owners of Country throughout Victoria and pay our respect to them, their culture and their Elders past, present and future.



## CONTENTS

Chairperson's Introduction	4
The Victorian Aboriginal Heritage Council	5
Council Decisions	6
Supreme Court Decision	8
Repatriation of Secret or Sacred Objects	9
RAP Snapshot - Barengi Gadjin Land Council	10
Conservation Works at the Ebenezer Mission, Antwerp	11
International Year of Indigenous Languages 2019	12
Language as Ownership	12
Our Languages Matter	13
Stakeholder Snapshot - National Trust of Australia (Victoria)	14
Key Projects	15

“ Aboriginal cultural heritage refers to the knowledge and lore, practices and people, objects and places that are valued, culturally meaningful and connected to identity and Country.

Aboriginal cultural heritage shapes identity and is a lived spirituality fundamental to the wellbeing of communities through connectedness across generations.

Aboriginal cultural heritage has been passed from the Ancestors to future generations through today's Traditional Owners whose responsibilities are profound and lifelong. ”



## CHAIRPERSON'S INTRODUCTION

In this International Year of Indigenous Languages, we reflect on the strength of our cultures and the many ways Victorian Traditional Owners express and promote their cultural values. The health and wellbeing of our communities is underpinned by strong culture and a strong sense of connection with it.

Council actively works to protect, manage and share Aboriginal cultural heritage with all Victorians. We have taken the opportunity to reflect on what we mean by cultural heritage (page 3) – the things that are cultural heritage, the value it holds for us and the inherited responsibilities we have for its protection.

I would like to applaud the Gunditjmara people for the work they have done on having the Budj Bim Cultural Landscape considered for a place on UNESCO's World Heritage List. The World Heritage Committee will formally consider the submission next month and we have high hopes that Budj Bim will become the first listed place recognised in Australia for Aboriginal cultural values.

The February Supreme Court decision (page 8), by Justice Bell, upheld Council's registration of the Bunurong Land Council Aboriginal Corporation. In doing so, Justice Bell validated our strong, independent Registered Aboriginal Parties and their role under the *Aboriginal Heritage Act 2006* to protect Aboriginal cultural heritage in Victoria.

The decision supports RAPs as the Traditional Owners and First Peoples to once again take their rightful place as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage in Victoria.

I'm proud of what Council has done over the last decade to empower Traditional Owners and resolve the injustice to our people by appointing Registered Aboriginal Parties as custodians and managers of their cultural heritage. The strength of RAPs lies in their inclusivity of all people they were established to represent, so that they may enjoy the benefits of formal recognition as is their right.

Since 2006, we have been a united Council and spoken with one voice. This year we have sadly accepted the resignation of Council members Nellie Flagg and Ron Jones whose contributions to Council have been generous. Later this month the terms of Jim Berg and Tim Chatfield, two of our foundation members, will end and they will retire from Council.

On behalf of Council and the community, I want to thank Nellie, Ron, Jim and Tim for the enormous contributions they have made.

As members of the first Council, Jim, Tim and I met as a group for the first time before the Act was proclaimed, with an intensive work schedule to undertake prior to the Act commencing. That important work never stopped. Since the Act came into effect on 28 May 2007, 23 people have been Council members, and together we have:

- appointed RAPs to 68% of the state
- twice had our decisions and processes upheld at the Supreme Court
- been the subject of a Parliamentary inquiry
- actively contributed to two reviews of the Act
- accepted responsibility for Ancestral Remains in Victoria.

There is still much work to do and it is with you, our stakeholders and supporters, that we will accomplish it.

**Rodney Carter**

# VICTORIAN ABORIGINAL HERITAGE COUNCIL



**RODNEY CARTER**  
CHAIRPERSON



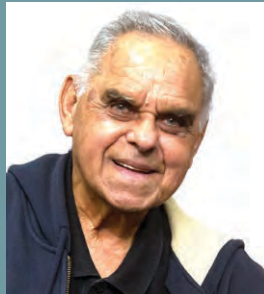
**SISSY PETTIT HAVEA**  
DEPUTY CHAIRPERSON



**GERALDINE ATKINSON**



**JENNIFER BEER**



**JIM BERG**



**RACQUEL BUIS-KERR**



**TIM CHATFIELD**



**BONNIE CHEW**



**KENNY STEWART**

# COUNCIL DECISIONS

A fundamental responsibility of Council is to determine applications for the registration of Registered Aboriginal Parties.

Council's decision making processes are strong and robust. In instances where applications have been declined, the reason is often that the applicant lacked inclusivity and representativeness of other Traditional Owners with rights to the application area. Council's Reason for Decision documents are available on its website.

Council encourages all Traditional Owner organisations to be proactive and to explore negotiation and conciliation options available for the resolution of boundary and membership disputes. We understand the complexities and challenges faced by Traditional Owner groups needing to resolve competing claims, and strongly encourage them to meet and find solutions.

# COUNCIL DECISIONS

## **Barengi Gadjin Land Council Aboriginal Corporation (BGLC)**

At its meeting on 7 February 2019, Council declined the RAP application from BGLC in relation to an area to the south west of its existing RAP area which included the Grampians National Park/Gariwerd.

In a separate decision on 7 February 2019, Council also declined BGLC's RAP application in relation to an area to the south west of its existing RAP area, which commenced at the South Australian border and extended easterly to Harrow.

## **Boonwurrung Land and Sea Council Aboriginal Corporation (BSCAC) formerly known as Yaluk-ut Weelam Elders Council Aboriginal Corporation**

At its meeting on 4 April 2019, Council declined the application from BLSCAC in relation to an area which extended from the mouth of the Werribee River to and included Wilsons Promontory National Park.

## **Eastern Maar Aboriginal Corporation (EMAC)**

At its meeting on 7 February 2019, Council declined the RAP application from EMAC in relation to the area which encompassed the Martang RAP area, the Grampians National Park/Gariwerd, and an area east of Gariwerd to the Wimmera River in the north and the Ararat-St Arnaud Rd in the east.

In a separate decision on 7 February 2019, Council also declined EMAC's RAP application in relation to two areas: an area west of Ballarat with Skipton at its centre, Beaufort to the north and Cressy to the south; and a separate area in Victoria's surf coast district which incorporated Airey's Inlet, Point Addis Marine National Park, Anglesea and surrounding areas.

At its meeting on 4 April 2019, Council declined EMAC's RAP application in relation to two areas: an area east of Gariwerd bordered by the RAP areas of Dja Dja Wurrung Aboriginal Corporation, Barengi Gadjin Land Council Aboriginal Corporation, Martang Pty. Ltd. and Wathaurung Aboriginal Corporation; and a separate area from Warrnambool to Winchelsea which incorporated the great Otway National Park, Apollo Bay and Lorne.

## **First People of the Millewa-Mallee Aboriginal Corporation (FPMMAC)**

At its meeting on 4 April 2019, Council acknowledged correspondence from FPMMAC notifying Council of the withdrawal of its RAP application in relation to the area south of its existing RAP area.

## **Gunditj Mirring Traditional Owners Aboriginal Corporation (GMTOAC)**

At its meeting on 7 February 2019, Council declined the RAP application from GMTOAC in relation to an area to the north west of its existing RAP area, which commenced at the South Australian border and extended easterly to Harrow.

## **Taungurung Land and Waters Council Aboriginal Corporation (TLWCAC)**

At its meeting on 8 February 2019, Council appointed TLWCAC as a RAP for the part of its RAP application area that aligned with the area of its Recognition and Settlement Agreement (RSA) (entered into with the State in October 2018). This decision was made pursuant to section 151(2A) of the *Aboriginal Heritage Act 2006*, which requires Council to appoint a RAP applicant as a RAP over that part of its RAP application area that lies within the boundaries of its RSA area.

# SUPREME COURT DECISION

On Tuesday 12 February, Justice Bell of the Supreme Court of Victoria upheld Council's registration of the Bunurong Land Council Aboriginal Corporation (BLCAC).

In its decision-making role, the Council is required to adhere to the provisions of the *Aboriginal Heritage Act 2006* and the requirements of administrative law. Its decisions are subject to review in the Supreme Court, ensuring accountability in affording due process to RAP applicants and other parties.

On 19 July 2017 Council appointed BLCAC as a RAP over an area of Victoria to the south-east of metropolitan Melbourne. BLCAC's RAP appointment area is bordered by Port Phillip Bay to the west, Leongatha to the east, Warragul to the north, and Victoria's coastline to the south. Carolyn Briggs and the Boon Wurrung Foundation Ltd (BWFL) sought a review by the Supreme Court of the Council decision to appoint Bunurong as a RAP in October 2017.

The matter, heard by Justice Bell on 27 September 2018, is only the second review of a decision of the Council. A key issue in the proceeding was whether the Council was correct in finding that BLCAC was a body representing the Traditional Owners of the area it was appointed for.

Justice Bell noted that, throughout its consideration of the applications of BWFL and BLCAC, Council had "emphasised the importance of recognising as a RAP a single organisation capable of representing, and effectively representing in fact, all Bunurong people and Traditional Owners." In its decision making, Justice Bell considered that Council's approach to "resolve the many complex and highly sensitive issues raised" had been "cautious and gradual".

The decision validated Council's application of an inclusionary policy framework and consideration of issues relating to traditional knowledge and responsibility as well as apical ancestry, amongst other factors.



# REPATRIATION OF SECRET OR SACRED OBJECTS

## HANDOVER CEREMONY BETWEEN THE UNIVERSITY OF MELBOURNE AND THE PINTUPI PEOPLE OF CENTRAL AUSTRALIA

On 9 May, the University of Melbourne formally returned secret or sacred objects to the Pintupi people of Central Australia. These significant cultural items had been held by the University as part of the extensive Donald Thomson collection.

The objects were repatriated under section 23(a) of the *Aboriginal Heritage Act 2006*. Under this section of the Act, a Traditional Owner of a secret or sacred object held or controlled by a university, museum or other institution may negotiate directly with that institution for the repatriation of objects.

As with all repatriations, the handover was the culmination of years of discussions and hard work.

When Traditional Owners work directly with institutions, Council's role in the repatriation of the secret or sacred objects is one of support, recognition and providing advice.

Central to all processes of repatriation is the development of strong and enduring relationships between the Traditional Owners and the temporary custodians of their cultural heritage.

Council is pleased to have been able to develop and strengthen their own relationships with both the University of Melbourne and the Pintupi peoples to aid future repatriation work.

Council member Jim Berg attended the ceremony with staff from Council's Ancestral Remains Unit.



# RAP SNAPSHOT

BARENGI GADJIN LAND COUNCIL  
CONSERVATION WORKS AT THE EBENEZER MISSION

*"We are the broader community's link to Traditional Owners, and work with our stakeholders to promote the cultural wellbeing of our members, through our efforts to reconnect them to Country."*

## **BARENGI GADJIN LAND COUNCIL**

### **ABORIGINAL CORPORATION**

Our Country includes Horsham, the 'capital of the Wimmera', as well as many other key towns and includes eight Local Government Authorities. Our RAP area is 35,896 km<sup>2</sup> covering 15.2% of Victoria.

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The Barengi Gadjin Land Council (BGLC) Board, staff and members are extremely pleased that urgently required works are being undertaken at Ebenezer Mission to help conserve this hugely significant cultural place for the Wotjobaluk Peoples and all Victorians.

Ebenezer Mission was established in 1859 by the Moravian Church, a German Lutheran religious group, on the site of an important ceremonial and residential place known as Bunyo budnutt, located on a bend on the Barringgi Gadyin (Wimmera River). This place had been used by the Wotjobaluk, Jadawadjali, Wergaia, Jaadwa and Jupagulk Peoples (peoples of the Wotjobaluk Nations) and their neighbours for tens of thousands of years. It was these peoples who were moved on to the mission and whose descendants are represented by the BGLC.

The Wotjobaluk Peoples created a productive farm at the complex, which became home to hundreds of Aboriginal people in its 45-year history. The mission was officially closed in 1904, and the mission residents moved to the already established fringe camp at the near-by town of Antwerp or the fringe camp established later at Dimboola, while others were relocated to Lake Tyers.

The Ebenezer Mission Complex is significant to both Aboriginal and non-Aboriginal people. It is recognised for its intactness (the church, toilet and dormitory blocks are the oldest surviving examples in the state) and its cemetery of graves of Aboriginal people and Moravian missionaries.

Small and medium sized archaeological excavations, as well as conservation and maintenance works, have previously been undertaken at the site to ensure the existing structures are secure and to understand more about the site and its history. Prior to the handover in 2013 of the portion of the mission complex owned by the National Trust to BGLC, both organisations sponsored conservation works on the surviving headstones at the cemetery. Successful applications to rounds 2 and 3 of the Living Heritage Grants Program has enabled development of a comprehensive condition report and funding of \$200,000 towards conservation works about to commence.

These works are priority conservation works, including the rectification of moisture penetration, roof works, repair of drainage and storm-water disposal system and structural and render repair to the church, dormitory, kitchen and toilet block buildings (images left and below).





Harley D  
Darren C  
Isobel M  
Dr Lyndo  
Elly Patir

# IYIL 2019



# INTERNATIONAL YEAR OF INDIGENOUS LANGUAGES

To celebrate the International Year of Indigenous Languages, the Council presented a panel discussion, **Language as Ownership**, on 30 April. The event was co-presented with Museums Victoria and the National Trust of Australia (Victoria) and was held at the Museum Theatre, Melbourne Museum to great acclaim by the almost 100 people attending.

Introduced by Geraldine Atkinson, the discussion was moderated by Maddison Miller and the panelists were Harley Dunnolly-Lee, Darren Griffin, Isobel Morphy-Walsh, Dr Lyndon Ormond-Parker and Elly Patira.

The panel members (images above and left) discussed how colonisers have used language to create ownership and how Aboriginal people are using those systems to reclaim it. They explored what part language plays in Aboriginal self-determination and how it functions within the context of imposed and subverted power dynamics.

The event was booked out, with audience members loving the “thought provoking and engaging event”. The panel of guest speakers were praised as “wonderfully knowledgeable and expressive, to the point where several members of the audience had tears in their eyes from the passionate words of Isobel Murphy Walsh.”

The event was filmed and will be made available through Council’s website.

## OUR LANGUAGES MATTER

Also part of the International year of Indigenous Languages, Council’s place naming workshops, Our Languages Matter, have been presented at the United Nations in New York. Project partner, the Office of Geographic Names, addressed the United Nations recently as part of the Australian delegation at the biennial UN meeting on geographic place names.

Delegates from more than 100 nations attended. There was praise for the project’s engagement with Victoria’s Traditional Owners and the promotion of the use of Indigenous languages, with information about the project then provided to representatives from Oman, Jamaica, France, Canada, Finland, Norway, Sweden, the United States, Saudi Arabia and others.



2019 | INTERNATIONAL YEAR OF  
**Indigenous Languages**



# STAKEHOLDER SNAPSHOT

## NATIONAL TRUST OF AUSTRALIA (VICTORIA)



*"We actively protect and conserve places of heritage significance for future generations to enjoy."*

## NATIONAL TRUST OF AUSTRALIA (VICTORIA)

Since 1956 the National Trust of Australia (Victoria) has been actively conserving and protecting heritage for future generations to enjoy. They are an independent non-profit charity organisation and the leading operator of house museums and heritage properties in the state.

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On 17 August 2011 the National Trust Board adopted a Statement of Commitment to 'respecting the culture and heritage of the First Australians', followed by the adoption of the first of three Reconciliation Action Plans in 2012. From this foundation, it has achieved:

- establishment of an Aboriginal Advisory Committee to the Board, including the appointment of Ian Hamm as the Committee Chair and a Director on the National Trust Board
- ongoing Cultural Awareness Training undertaken by the Board, staff and volunteers
- Traditional Owner Acknowledgement plaques at National Trust properties
- handing back of the Ebenezer Mission to the Barengi Gadjin Land Council Aboriginal Corporation after 45 years of National Trust custodianship (image above)
- preparation and implementation of Aboriginal Cultural Heritage Assessments for National Trust properties as part of the Reconciliation through Place report.

Council has been working with the National Trust since 2012 when they co-presented the National Trust Heritage Festival. In 2013 and 2014, the organisations again partnered to host the *Our History – Koorie Cultural Heritage Yesterday, Today and Tomorrow* workshops to promote cultural heritage.

Currently, the National Trust is undertaking several key projects underpinned by its responsibility to acknowledge and promote all heritage at their sites.

The McCrae Homestead Cultural Heritage Experience is an education program for primary schools, developed to communicate what life may have been like at McCrae Homestead in the 1840s - from the perspectives of both the Traditional Owners and the early colonial settler family (image page 14). The program builds on research and was developed in partnership with the Bunurong Land Council Aboriginal Corporation.

Another project currently underway is the preparation of an Aboriginal cultural heritage assessment of National Trust property, the Old Melbourne Gaol. The priority of this project is to actively involve Traditional Owner groups in discussing and interpreting the significance of the site. The draft report provides context for the incarceration of Aboriginal people at the Gaol from 1842 up until the late 1860s and has been prepared to assist in the development of interpretation for the site.

