



Victorian **Aboriginal Heritage** Council

Annual Report

January to December 2012

Progress
against Council's
statutory role

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About the Council



The Victorian Aboriginal Heritage Council (the Council) was established under the *Aboriginal Heritage Act 2006* (the Act) and is the only statutory authority in Australia comprised entirely of Traditional Owners. The Council is in its sixth year of operation, and remains united in its commitment to fulfil its legislative responsibilities and realise its vision of a community that respects Aboriginal cultural heritage and the cultural responsibilities of Traditional Owners.

This annual report explains the work the Council has undertaken in 2012, of which various aspects deserve particular mention and are outlined below.

Following on from its work in 2011, one of the Council's key priorities for 2012 was to continue to positively influence the Review of the Act (the Review) and the Parliamentary Inquiry into the Establishment and

Effectiveness of Registered Aboriginal Parties (RAPs) (the Inquiry). The Review and the Inquiry are critical to ensuring that the Act provides a system that effectively protects Aboriginal cultural heritage in Victoria and that recognises the unique responsibilities of Traditional Owners.

In 2012, Council undertook research and engaged with key stakeholders to gain a better understanding of all aspects involving the return of Ancestral Remains. Through this work, Council has identified that the roles and responsibilities in relation to the management and return of Ancestral Remains are not well understood and that they are poorly co-ordinated. There is a critical need to address this by improving the legislative and policy framework. This work will continue in 2013, and will include the release of a Discussion Paper in early 2013 to facilitate discussion amongst stakeholders regarding how improvements may be made.

Determining RAP applications continued to be a major component of the Council's work, with four applications received in 2012 and 13 applications under consideration at 31 December 2012. In 2012, Council made four decisions to extend the area of a RAP and declined five RAP applications. The Council also worked closely with the *Right People for Country* Project to support three agreement-making pilots, assisting Traditional Owner groups to reach agreements regarding boundary and group composition issues.

The Council is proud of its achievements in 2012 and aims to build on the progress it has achieved and the strong foundations it has laid down through its work to date.

Progress against Council's statutory role



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Decision making roles of the Council under the Aboriginal Heritage Act 2006

Progress Update

Receive and determine Registered Aboriginal Party (RAP) applications

Council to decide which Aboriginal groups will exercise cultural heritage responsibility.

Summary of applications:

In 2012, Council:

- Received four new applications (total to date: 45)
- Made four decisions to extend the area of a RAP (total registration decisions to date: 20)
- Declined five applications (total to date: 29)
- Received two invalid applications as they did not meet minimum legal requirements (total to date: 12).

As at 31 December 2012, applications from 13 organisations were under consideration by Council.

Council conducted individual facilitation meetings with RAP applicants in May in the south west of Victoria. Council conducted a regional facilitation meeting between RAP applicants in the far east of Victoria in October, inviting native title representative agencies' the Native Title Unit of the Department of Justice (DOJ) and Native Title Services Victoria (NTSV) to attend.

Both meetings were part of Council's efforts to progress RAP applications in these areas. Council worked with the Steering Committee for Right People for Country to progress Traditional Owner agreement making in Victoria. In 2012, three agreement-making pilots were supported involving boundary and group composition issues.

Council partnered with the DOJ and NTSV to undertake research on Traditional Ownership within the Greater Melbourne Metropolitan Region. This work has been shared with the relevant Traditional Owner groups to assist them with RAP applications and possible agreement making regarding boundary issues.

Suspend or revoke RAP registration

Council may view this as a general oversight role over RAPs – both to support RAPs to be successful as well as taking action where a RAP is not properly performing its responsibilities.

Council took part in two RAP Forums in 2012—firstly, in Melbourne in May, and secondly, in Kilsyth in December—to meet with RAPs and to discuss RAP issues and developments in the Aboriginal cultural heritage industry generally.

Council also travelled to Taungurung Country to meet with the Taungurung Clans Aboriginal Corporation in late October.

Decision making roles of the Council under the <i>Aboriginal Heritage Act 2006</i>	Progress Update
<p>Consider Cultural Heritage Management Plans (CHMPs) for approval where the Secretary of the Department of Planning and Community Development (the Secretary) is the sponsor and there are no RAPs in place or RAPs choose not to evaluate a plan</p>	<p>No applications received.</p>
<p>Consider applications for access to the Victorian Aboriginal Heritage Register Council receives requests from the Secretary for approving requests to access the Victorian Aboriginal Heritage Register that relate to areas for which no RAP has been appointed.</p>	<p>Three applications were considered in 2012, 1 from a researcher and 2 from RAPs to assist with boundary negotiations. All three applications were approved.</p>
<p>Facilitate mediation between RAPs The legislative power specifically relates to mediation between RAPs.</p>	<p>No applications received.</p>

**Advisory roles of the Council under the
Aboriginal Heritage Act 2006**

Progress Update

Advise on the training and appointment of inspectors

- Council can advise the Minister on the training and appointment of inspectors
- The Minister can specify training required by inspectors
- The Minister must consult with the Council prior to appointing inspectors.

Advice was sought by the Minister in relation to the appointment of eight inspectors in 2012.

Council was involved in the training day for inspectors conducted in 2012. Council also took part in the review of the training program, which is undertaken each time training is conducted.

Council completed its work regarding a new interim policy relating to the appointment of inspectors and informed the Minister of this policy. The policy will be reconsidered following consultation with RAPs and completion of the review of the Act.

Advise on fees for the payment of RAPs

- The Secretary may develop guidelines for the payment of fees to RAPs who participate in cultural heritage assessments
- The Secretary must seek advice from the Council before making these guidelines.

No advice was sought in this area in 2012.

Repatriation of Ancestral Remains and return of secret or sacred objects

- Advise the Secretary and Museum Victoria on repatriation of human remains.

Council received reports from the Office of Aboriginal Affairs Victoria (OAAV), and met with Museum Victoria and Parks Victoria, about the return of Ancestral Remains to Traditional Owners.

Council began a project to review all aspects of the return of Ancestral Remains, including drafting a Discussion Paper to facilitate discussion amongst stakeholders regarding how improvements may be made in this area. Work will continue on this project in 2013.

No advice was sought in relation to the return of secret or sacred objects.

Advisory roles of the Council under the Aboriginal Heritage Act 2006	Progress Update
<p>Advise on protection orders, audits, requirements for CHMPs, permits, compulsory acquisitions etc</p> <p>The Minister can seek advice regarding the exercise of her powers in relation to:</p> <ul style="list-style-type: none"> ■ Interim or ongoing protection declarations ■ Proposals to require a CHMP ■ Whether a cultural heritage audit is necessary ■ Whether compulsory acquisition of land is appropriate ■ Any other matters requested by the Minister. 	<p>No protection orders were issued in 2012.</p> <p>In 2012, Council continued discussions with Yorta Yorta Nation Aboriginal Corporation regarding the implementation of new measures to manage and protect cultural heritage following the Kow Swamp audit conducted during 2011 (plan number 11276).</p> <p>No audits were conducted in 2012.</p> <p>No compulsory acquisitions were issued in 2012.</p>
<p>Advise the Secretary on the exercise of his/her powers under the Act</p> <p>The Secretary can request advice from Council on exercising his/her powers.</p>	<p>Council was requested to provide advice in relation to Ancestral Remains in February 2012.</p>

Advisory roles of the Council under the *Aboriginal Heritage Act 2006*

Advise the Minister on the protection of Aboriginal cultural heritage, including:

- Cultural heritage significance of places, objects or human remains
- Effective management of cultural heritage and culturally sensitive information
- Measures to promote the role of Aboriginal people in the protection and management of heritage
- The standards of knowledge, experience, conduct and practice required of persons engaged in research into Aboriginal cultural heritage
- Other matters referred by the Minister.

Progress Update

Council provided the Minister with advice in relation to:

- the Review of the Act, in the form of a second submission
- the Victorian Parliamentary Inquiry into 'The Establishment and Effectiveness of RAPs', in the form of two submissions.

In addition to the above matters, the Minister requested Council's advice in developing guidelines regarding the experience required by those seeking to work as cultural heritage advisers under the Act. Council completed a research project in conjunction with OAAV to identify current employment opportunities in Aboriginal cultural heritage management and the skills, knowledge and experience required to carry out this work. The results of this project were circulated to stakeholders for comment and will inform changes to be made following the Review of the Act.

A number of stakeholders raised issues with Council regarding the operation of s 65 of the Act. In response, Council undertook research to clarify existing practices and identify options for potential improvements. The results of this work have been shared with OAAV and will inform changes to be made following the Review of the Act.

Council also met with the Minister in December 2012 and discussed the outcomes of the Review of the Act and the Parliamentary Inquiry into 'The Establishment and Effectiveness of RAPs.' Council welcomed the findings of both processes, which confirmed the unique role of Traditional Owners regarding their cultural heritage.

During 2012, Council took part in the Local Government and Aboriginal Partnership Project established by the Minister to strengthen the relationship between her two portfolios. Work on this project will continue in 2013.

Developing measures to promote public awareness and understanding of Aboriginal cultural heritage in Victoria under the *Aboriginal Heritage Act 2006*

Progress Update

Opportunity for the Council to partner with Government to deliver a community education campaign.

Opportunity to work with other stakeholders (e.g. Koorie Heritage Trust, Heritage Council of Victoria, Museum Victoria, National Trust of Australia (Victoria), Koorie Youth Council, other Indigenous Heritage Councils around Australia, New Zealand and Canada, etc).

Council worked with Reconciliation Victoria to identify measures that will assist Victorians to understand Traditional Ownership and the unique responsibilities of Traditional Owners. Work on this project will continue in 2013.

Council established a partnership with the National Trust of Australia (Victoria) and the Koorie Youth Council (KYC) and worked to collaboratively identify opportunities for young Koories from Victoria to explore and share different perspectives of Koorie cultural heritage. One of the ways in which the partnership will achieve this is by hosting a Koorie Youth Forum as part of the 2013 Heritage Festival.

In addition, Council met with the following:

- Commissioner of Environmental Sustainability
- Heritage Council of Victoria
- Parks Victoria
- Department of Planning and Community Development to consider the development of Regional Growth Plans across Victoria
- NTSV regarding Country Planning for Traditional Owner groups
- Ministerial Taskforce on Aboriginal Affairs.

Council met with Museum Victoria in line with its commitment to meet annually to consider issues including the repatriation of Ancestral Remains.

Council also conducted a forum with young Traditional Owners to seek their views on cultural heritage management and to share information about Council's role and work.

Council held its second annual stakeholder meeting in December at the Koorie Heritage Trust, attended by approximately 45 people from 29 organisations.

Governance functions under the <i>Public Administration Act 2004</i> and other applicable legislation	Progress Update
Strategic Planning	<p>Council continued to implement its Strategic Plan for the period 2011-2014, via an Operational Plan, focusing on achieving maximum appropriate RAP coverage and providing comprehensive advice to the Minister and Secretary.</p>
Internal policies and procedures	<p>Council reviewed and updated its RAP decision-making manual.</p> <p>Council reviewed its Procedures Manual for Council members, which is utilised by all Council members and also guides the induction of new Council members.</p> <p>Council continued to develop a strategic approach to its succession planning. As part of this work, Council met with young Traditional Owners to seek better engagement and understanding of Council's role. Work on this project will continue in 2013.</p>
Freedom of Information 1992	<p>Council lodged a return for the financial year ended 30 June 2012 as required by the legislation.</p> <p>In the calendar year ending 31 December 2012, Council received two new requests under the legislation, compared with three in the previous calendar year.</p>

