



Victorian **Aboriginal Heritage** Council

# Annual Report

January to December 2014

Progress  
against Council's  
statutory role

**ABORIGINAL VICTORIA**



Published by the Victorian Aboriginal Heritage Council  
1 Treasury Place, East Melbourne, Victoria 3002

July 2017

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Designed by The Designery 9438 6232

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# About the Council



The Victorian Aboriginal Heritage Council was established under the *Aboriginal Heritage Act 2006* and is the only statutory authority in Victoria comprised entirely of Traditional Owners. Following eight years of operation, Council remains determined to fulfil its legislative responsibilities and to realise its vision of a community that respects and understands Aboriginal cultural heritage and the cultural responsibilities of Traditional Owners.

This annual report outlines the work the Council has undertaken in 2014, of which various aspects deserve particular mention and are outlined below.

The Council's highest priority in 2014 was the respectful return and management of Victorian Aboriginal Ancestral Remains. In July, Council published *Bringing Our Ancestors Home: We will not be well until this is done*, which details the Council's advice to the Minister for Aboriginal

Affairs on how the Act should change in relation to the protection and management of Ancestral Remains. Council also pursued this priority through the Ancestral Remains Joint Steering Committee (JSG), made up of representatives from Council and the Office of Aboriginal Affairs (OAAV), to improve the current system to manage Ancestral Remains. The JSG held four meetings in regional Victoria to provide key stakeholders with information about the JSG and to engage with them about their experiences with respect to the management and protection of Aboriginal Ancestral Remains.

A major focus of Council's work in 2014 was the development of its Strategic Plan 2014-2019. The Plan outlines Council's four key objectives for the next five years and highlights the importance of mutual respect amongst all Victorians in achieving these objectives and ultimately, Council's vision. The Plan was launched by the Minister for

Aboriginal Affairs, Hon Tim Bull MLA (Minister), at a reception at Parliament House in September, attended by 65 stakeholders from 42 organisations.

Following on from its work in 2011 and 2012, the Council continued to positively influence the Review of the Act and the government's response to the *Parliamentary Inquiry into the Establishment and Effectiveness of Registered Aboriginal Parties (RAPs)* through its submission to the *Aboriginal Heritage Amendment Bill 2014 Exposure Draft process*.

Determining RAP applications continued to be a significant component of Council's work. In 2014, five RAP applications were received and two RAP applications were part-declined. A total of 11 RAP applications were under consideration at 31 December 2014.

The Council looks forward to building on the significant achievements that it has made this year in 2015.

# Progress against Council's statutory role

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Decision making roles of the Council under the <i>Aboriginal Heritage Act 2006</i>	Progress Update
<p><b>Receive and determine Registered Aboriginal Party (RAP) applications</b>  Council to decide which Aboriginal groups will exercise cultural heritage responsibility.</p>	<p>Summary of applications:  In 2014, Council:</p> <ul style="list-style-type: none"> <li>■ Received five RAP applications (total to date: 51)</li> <li>■ Declined parts of two RAP applications (total to date: 38)</li> </ul> <p>As at 31 December 2014, applications from 11 organisations were under consideration by Council.</p> <p>Council worked with the Steering Committee for Right People for Country to progress Traditional Owner agreement making in Victoria. In 2014, seven agreement-making projects were supported involving boundary and group composition issues.</p>
<p><b>Suspend or revoke RAP registration</b>  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.</p>	<p>Council took part in the two RAP forums held in 2014. The first forum was hosted by Wathaurung Aboriginal Corporation at Torquay in May, and the second was hosted by Gunditj Mirring Traditional Owners Aboriginal Corporation at Cape Bridgewater in November. Participating in the RAP forums gave Council the opportunity to meet with RAPs to discuss and learn about the issues they experience and developments in the Aboriginal cultural heritage industry. Council also presented an update on its own work at both forums.</p> <p>Council held a community meeting to provide information about the Council's decision-making processes regarding RAP applications in Halls Gap in October.</p>
<p><b>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</b></p>	<p>No applications received.</p>
<p><b>Consider applications for access to the Victorian Aboriginal Heritage Register</b>  Council receives requests from the Secretary for approving requests to access the <b>Victorian Aboriginal Heritage Register</b> that relate to areas for which no RAP has been appointed.</p>	<p>Six applications were received and approved.</p>
<p><b>Facilitate mediation between RAPs</b>  The legislative power specifically relates to mediation between RAPs.</p>	<p>No applications were received.</p>

Advisory roles of the Council under the <i>Aboriginal Heritage Act 2006</i>	Progress Update
<p><b>Advise on the training and appointment of inspectors</b></p> <ul style="list-style-type: none"> <li>■ Council can advise the Minister on the training and appointment of inspectors.</li> <li>■ The Minister can specify training required by inspectors.</li> <li>■ The Minister must consult with the Council prior to appointing inspectors.</li> </ul>	<p>No advice was sought by the Minister in relation to the training and appointment of inspectors.</p>
<p><b>Advise on fees for the payment of RAPs</b></p> <ul style="list-style-type: none"> <li>■ The Secretary may develop guidelines for the payment of fees to RAPs who participate in cultural heritage assessments.</li> <li>■ The Secretary must seek advice from the Council before making these guidelines.</li> </ul>	<p>No advice was sought in this area.</p>
<p><b>Repatriation of Ancestral Remains and return of secret or sacred objects</b></p> <ul style="list-style-type: none"> <li>■ Advise the Secretary and Museum Victoria on repatriation of human remains.</li> </ul>	<p>In July, Council published <i>Bringing Our Ancestors Home: We will not be well until this is done</i>. This paper details the Council's advice to the Minister on how the Act should change in relation to Ancestral Remains. The paper was also distributed to Council's stakeholders.</p> <p>Council continued to work in partnership with the Office of Aboriginal Affairs on the Aboriginal Ancestral Remains Joint Steering Committee (JSG), which is made up of representatives from both agencies. In 2014, the JSG held meetings in Mildura, Warrnambool, Lakes Entrance and Wangaratta to provide key stakeholders with information about the JSG and to engage with them about their experiences with respect to the management and protection of Aboriginal Ancestral Remains. This work will continue in 2015 with a final meeting to be held in Greater Melbourne in early 2015, followed by the production of a report outlining the findings of the five regional meetings for the JSG's consideration.</p> <p>No advice was sought in relation to the return of secret or sacred objects.</p>

<b>Advisory roles of the Council under the <i>Aboriginal Heritage Act 2006</i></b>	<b>Progress Update</b>
<p><b>Advise on protection orders, audits, requirements for CHMPs, permits, compulsory acquisitions etc.</b></p> <p>The Minister can seek advice regarding the exercise of her powers in relation to:</p> <ul style="list-style-type: none"> <li>■ Interim or ongoing protection declarations</li> <li>■ Proposals to require a CHMP</li> <li>■ Whether a cultural heritage audit is necessary</li> <li>■ Whether compulsory acquisition of land is appropriate</li> <li>■ Any other matters requested by the Minister.</li> </ul>	<p>No advice was sought.</p>
<p><b>Advise the Secretary on the exercise of his/her powers under the Act</b></p> <p>The Secretary can request advice from Council on exercising his/her powers.</p>	<p>Council was requested to provide advice on multiple occasions in relation to Ancestral Remains.</p>
<p><b>Advise the Minister on the protection of Aboriginal cultural heritage, including:</b></p> <ul style="list-style-type: none"> <li>■ Cultural heritage significance of places, objects or human remains</li> <li>■ Effective management of cultural heritage and culturally sensitive information</li> <li>■ Measures to promote the role of Aboriginal people in the protection and management of heritage</li> <li>■ The standards of knowledge, experience, conduct and practice required of persons engaged in research into Aboriginal cultural heritage</li> <li>■ Other matters referred by the Minister.</li> </ul>	<p>Council provided the Minister with advice in relation to:</p> <ul style="list-style-type: none"> <li>■ Issues in the current system of protecting and managing Aboriginal Ancestral Remains and options for improvement</li> <li>■ Council's submission to the Aboriginal Heritage Amendment Bill 2014 Exposure Draft</li> <li>■ Proposed amendments to RAP application form to reduce inefficiencies associated with the consideration of repeat RAP applications.</li> </ul> <p>The Minister met with the Council in June and launched the Council's Strategic Plan 2014-2019 at Parliament House in September.</p>



**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 continued its partnership with the National Trust of Australia (Vic) and the Koorie Youth Council to host a Koorie youth event as part of the annual Heritage Festival. The event brought together young Koories from Victoria to explore and share different perspectives of Aboriginal cultural heritage in Victoria. Council will continue to explore opportunities to engage with Koorie youth about cultural heritage in 2015.

In partnership with the Royal Historical Society of Victoria, Council hosted *Mapping Melbourne*, a public forum which brought together a panel of speakers to talk about their ways of understanding Melbourne through explorations of land, time, the built environment, art and stories. The forum was held on Melbourne Day, 29 August.

In partnership with the Heritage Council of Victoria, Council continued its project on sites with shared Aboriginal and non-Aboriginal heritage values, looking to strengthen recognition of Aboriginal values on the Victorian Heritage Register. Council consulted with Traditional Owners regarding nine pilot sites and continued to develop tools including a Thematic Framework and methodology. The project is expected to be finalised in 2015.

In late 2014, Council engaged a production company to assist in the production a documentary regarding the return and protection of Ancestral Remains. The documentary will provide guidance to Traditional Owners about what returning Ancestors to Country involves and increase awareness amongst the broader Victorian community about the importance of respecting and protecting the custodianship of Ancestral Remains into the future.

In addition, Council met with the following:

- LaTrobe University
- Federation of Traditional Owner Corporations
- Municipal Association of Victoria
- Native Title Services Victoria Board
- Professor Kate Auty, former Victorian Government Commissioner for Environmental Sustainability
- Right People for Country Project.

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



Governance functions under the <i>Public Administration Act 2004</i> and other applicable legislation	Progress Update
<b>Strategic Planning</b>	Following review of its Strategic Plan 2011-2014, Council developed its Strategic Plan 2014-2019. The plan was launched in September 2014 by the Minister for Aboriginal Affairs at Parliament House. The reception was attended by 65 stakeholders from 42 organisations.
<b>Internal policies and procedures</b>	<p>Council reviewed and updated its <i>Decision-Making Manual</i>.</p> <p>Council reviewed and updated its <i>Procedures Manual for Council Members</i>, 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 succession planning. Work on this project will continue in 2015.</p>
<b>Freedom of Information 1992</b>	<p>Council lodged a return for the financial year ended 30 June 2014 as required by the legislation.</p> <p>In the calendar year ending 31 December 2014, Council received one new request under the legislation, compared with two in the previous calendar year.</p>

