Fact Sheet for RAP Applicants
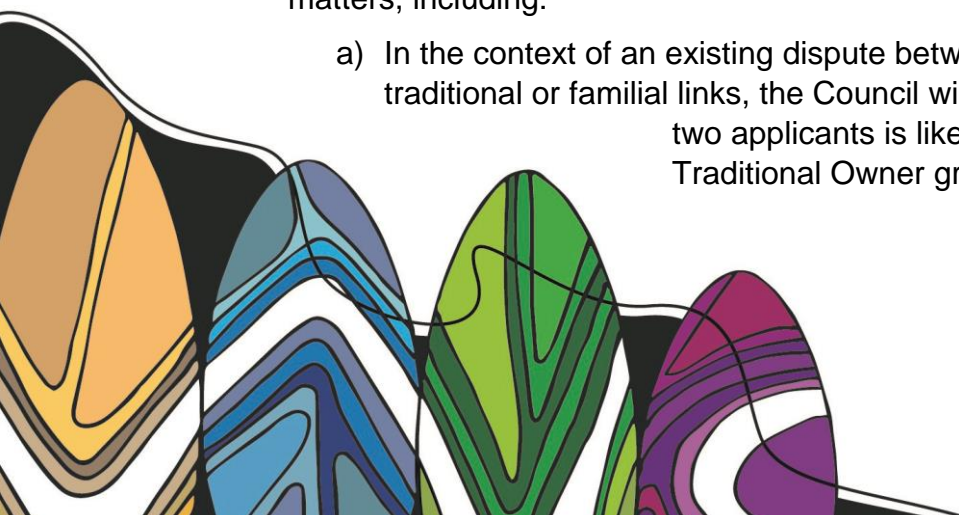# Registration of multiple RAPs for a single area

Background

1   The Victorian Aboriginal Heritage Council (**Council**) encourages RAP applicants to have discussions with neighbours or overlapping RAP applicants to reach agreement.

2   Council acknowledges that such an agreement, or other circumstances, may lead to multiple RAP applicants asking Council to register them as RAPs in the same area. This Fact Sheet has been developed to assist such applicants.

3   Council is empowered under the *Aboriginal Heritage Act 2006* (**Act**) to register more than one RAP for the same area.

4   When considering the registration of more than one RAP, Council must first decide that each application satisfies the requirements of s151(3), that is, each applicant is an appropriate organisation to register as a RAP.

5   To register more than one RAP s153 of the Act requires the Council to satisfy itself that certain conditions are met.

Principles

6   Council deals with each RAP application on a case by case basis.

7   The Council gives priority consideration to applications made by groups who represent Traditional Owners.

8   The Council gives priority to applications by a single inclusive organisation.

9   When considering registering more than one RAP s153 requires Council to be satisfied that registering more than one RAP will:

    a) Not unduly hinder the ability of any of the registered Aboriginal parties for the area to exercise their powers and carry out their functions; and

    b) Not otherwise hinder the effective operation of the Act.

10   When considering registering more than one RAP Council will also consider other matters, including:

    a) In the context of an existing dispute between applicants with the same traditional or familial links, the Council will consider if the registration of two applicants is likely to resolve the conflict within the Traditional Owner group.

b) In the context of two RAP applications, Council will consider whether members of the second RAP would be part of the Traditional Owner group represented by the first RAP.

c) In the context of multiple Traditional Owner groups making a single RAP application, Council will consider how clearly defined the area of interest for each Traditional Owner group is.

d) In the context of an agreement between two applicants that seeks joint registration over the same area, Council will consider the understanding of Traditional Ownership in the broader area and any explanation for the joint registration for the specific area.

Agreements between RAP applicants

11 Council deals with agreements between RAP applicants on a case by case basis.

12 If an agreement between two RAP applicants requests Council to appoint more than one RAP, then Council will consider:

a) s.153 matters, that is, that the registration of a further RAP will:
- Not unduly hinder the ability of any of the registered Aboriginal parties for the area to exercise their powers and carry out their functions; and,
- Not otherwise hinder the effective operation of the Act.

Applicants should address the following issues:

- The ability of the applicants to work together, including any existing arrangements, agreements or protocols;
- Any history of co-operation between the applicants;
- The joint or separate processes the applicants will use to make decisions under the Act in relation to the overlap area; and
- The practical arrangements for resolving disagreements between the two RAPs, for example disagreements about the evaluation of a cultural heritage management plan.

b) the nature of the interests that each applicant claims

For example: Single or multiple Traditional Ownership groups/interests, historical interests

c) any explanation or details for the joint registration provided by the RAP applicants

For example: multiple groups have rights/responsibilities for the same area, size of the overlapping area and intensity of development, area of particular importance for each group, existence or absence of knowledge/research for the area.