

Guidance Note

Providing Information on Agreement-Making

Date this guidance note takes effect: September 2017

Purpose

- 1 The purpose of this note is to provide guidance on the information required by Council in order for an agreement in relation to competing applications or overlapping boundaries to be properly considered by Council.

Legislative Context

- 2 Section 151(3) of the *Aboriginal Heritage Act 2006 (Vic)* (**Act**) requires the Victorian Aboriginal Heritage Council (**Council**) to take into account a range of factors in determining an application for registration as a registered Aboriginal party (**RAP**).
- 3 Section 155 of the Act empowers the Council to vary the registration of a RAP with the consent of that RAP and any other RAP for the relevant area.
- 4 Whether or not an agreement will constitute a variation of a RAP registration or otherwise be considered by Council as part of a new or existing RAP application process will depend on a number of factors (such as whether the parties to the agreement are RAPs or the size of the area the subject of the agreement). This will be assessed by Council on a case-by-case basis.

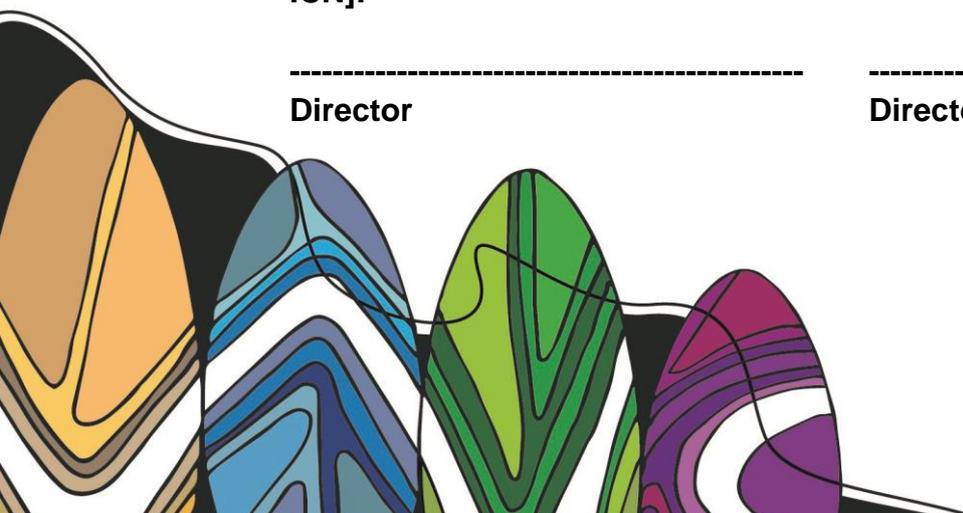
Guidance

- 5 Parties should notify Council of any agreement by providing a joint letter to Council.
- 6 The letter should be on joint letterhead.
- 7 Letters must be signed by two directors or a director and corporation secretary on behalf of each Aboriginal corporation to which the agreement relates, using separate signature blocks for each corporation as follows:

Signed for and on behalf of [insert Aboriginal Corporation's name and ICN]:

Director

Director/Company Secretary





- 8 The letter must include:
- a) a high-level description of the agreement-making process undertaken by the parties. This should include details of any facilitation and/or mediation support (such as Right People for Country support), joint meetings held between the parties and details of any other relevant processes undertaken (such as walking country)
 - b) a copy of the agreement or a detailed description of the agreement reached between the parties, including the date of the agreement and details and a map showing each party's agreed extent of Country (if relevant)
 - c) certification that the agreement described has been entered into in accordance with the constituent documents of each corporation (if the agreement is between corporations)
 - d) a description of the effect of the agreement on any RAP application before Council.
- 9 If the agreement requires a variation to the registration of a RAP, the letter should also include:
- a) a description of the proposed variation
 - b) a map showing any proposed variation to each RAPs' extent of Country
 - c) a statement to the effect that each RAP consents to the variation as described.