

VICTORIAN  
ABORIGINAL  
HERITAGE  
COUNCIL



# ANNUAL REPORT

1 July 2019 – 30 June 2020

Warning: Aboriginal and Torres Strait Islander readers should be aware that this document may contain images or names of People who have since passed away.

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

VICTORIAN  
ABORIGINAL  
HERITAGE  
COUNCIL



Council's logo of four shields, protecting the state of Victoria, is our commitment to supporting, respecting and celebrating our Country, Culture and Life.

The colours of the shields represent the four environments that make up our Country:

- gold and ochre represent desert sands and dry country
- green for the forests and grasslands
- blue for the waters, rivers and lakes
- purple represents our Countries in the metropolitan regions as well as in the basaltic and volcanic plains.

Outside Cover: Darryl Kirby, Grass Trees in the Little Desert, 2019, Barengi Gadjin Country

Inside Cover: Russell Charters, Trentham Falls, 2018, Dja Dja Wurrung Country

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Image: Denisbin, Natimuk in the Wimmera, 2017, Barengi Gadjin Country



**WE ARE STRONG**

# CHAIRPERSON'S INTRODUCTION

During this reporting period, our People have endured extraordinary hardship and deprivation. The fires that ravaged our Country at the end of 2019 were swiftly followed by coronavirus (COVID-19). The effect of these two catastrophes and States of Emergency meant that Traditional Owners had both their connections to Country and Elders disrupted and changed, in many cases, for generations.

During these times of crisis, the Victorian Aboriginal Heritage Council members, called on all Victorians to stand together.

To our People, we spoke as Elders, representatives of our communities, members of Registered Aboriginal Parties (RAPs) and as individuals. We asked you to take strength from your Culture and your community because worse has been experienced and we have survived. From these experiences, in time, we will thrive and our languages will be spoken with pride on every Victorian street.

To our friends and stakeholders, we ask you to stand with us in this time of great trauma - trauma to our Country, trauma to our People and trauma to our Culture. If we are together, supporting one another, we can rebuild a stronger community with wellbeing at its core.

For much of 2020 we will be distanced from each other and, for some of Our People whose distress is at the core of their beings, from their Country and Culture; but we are linked through Spirit. We will always be linked through Spirit and, although we are hurt, we must grab that connection and hold onto it with both hands.

We have all borne so much pain and disconnection from the people and places that we love. Yet we are still here. Still strong. We can all learn from a Culture that has lived here, in this place now called Victoria, for many tens of thousands of generations.

Council works towards realising a vision of all Victorians understanding and respecting our diverse Aboriginal identity and Cultures, with Traditional Owners as the primary custodians for heritage of the past, present and future. We do this through strong partnerships, developing relationships and championing our People. We take time each year to reflect on the important work, the challenges and the people who have helped us get a few more steps closer to that vision.

Our work throughout 2019 and 2020 has brought RAPs, Traditional Owners and Council closer to a shared realisation of their vision for Traditional Owner control of their Cultural Heritage. This has been contributed to through the vital connections supporting our Caring for Country, Taking Control of Our Heritage, Our Places Our Names and Making Change programs.

Most significant of our work this year has been developing *Taking Control of our Heritage*, a Discussion Paper on legislative reform of the Aboriginal Heritage 2006 (Act). The objective of the Paper is to help everyone, Aboriginal and non-Aboriginal, Victorian and non-Victorian, have their say on the operation of the Act. Working with RAPs on what can legislatively change to help them better manage Culture on Country has informed the discussion with the voices of Traditional Owners. Considerable stakeholder and public response to the paper will enable Council to present considerations for legislative change in 2021 that are broadly informed and supported.

We are slowly coming through these times and Council looks forward to a time when normalcy returns. A better normal. We want greater understanding of Cultural Heritage through strengthened legislation and accountability from those working within the Act.



**RODNEY CARTER**  
**CHAIRPERSON**

# THE VICTORIAN ABORIGINAL HERITAGE COUNCIL



**GERALDINE ATKINSON**

Current term:  
6 November 2019 –  
6 November 2022



**JENNIFER BEER**

Current term:  
14 August 2017 –  
13 August 2020



**RODNEY CARTER  
(Chairperson)**

Current term:  
1 September 2018 –  
31 August 2021



**BONNIE CHEW**

Current term:  
1 September 2018 –  
31 August 2021



**RACQUEL KERR**

Current term:  
1 September 2018 –  
31 August 2021



**SISSY PETTIT  
(Deputy Chairperson)**

Current term:  
6 November 2019 –  
6 November 2022



**KENNY STEWART**

Current term:  
1 September 2018 –  
31 August 2021

Council was created under the Act to ensure the preservation and protection of Victoria's rich Aboriginal Cultural Heritage. With important decision-making responsibilities and as an independent expert body of Traditional Owners, the Council is the only statutory body of its kind in Australia.

As Traditional Owners themselves, Council brings to its decision making a profound understanding of the responsibilities and breadth of Traditional Ownership. It is the application of this unique knowledge of Council, with membership eligibility and Apical Ancestry, that enables robust decision-making processes.

Council's vision is of a community that understands and respects Aboriginal Cultural Heritage and the cultural responsibilities of Traditional Owners. Council recognises Traditional Owners as the primary guardians, keepers and knowledge holders of their heritage.

Comprised of up to 11 Traditional Owners, Council is appointed by the Minister for Aboriginal Affairs (**the Minister**). Members of Council must reside in Victoria and have demonstrated traditional or familial links to an area in Victoria. They are also required to have relevant knowledge or experience in the management of Aboriginal Cultural Heritage in Victoria.

Since the end of the reporting period, Council has welcomed new members Liz Allen, Dr Doris Paton, Dan Turnbull and welcomed back Mick Harding. Council would like to acknowledge the enormous contribution made by Aunty Geraldine Atkinson, who has made the difficult decision to resign from Council, to better allow her the time and space for her important work as Co-Chair of the First Peoples' Assembly of Victoria.

As a Council, we speak with one voice, strengthened by the Elders and leaders that inform it.

## **STATUTORY FUNCTIONS**

Council plays an important role in the implementation of the Act; its principal functions are:

### **Making decisions on RAP applications**

Since its establishment in 2006, Council has appointed 12 RAPs. Currently, there are 11 RAPs which collectively cover 74% of Victoria. RAPs are organisations that hold decision-making responsibilities for protecting Aboriginal Cultural Heritage in a specified geographical area.

### **Monitoring RAPs**

The Council is responsible for overseeing and supervising the operations of RAPs. With RAPs themselves, Council undertakes a collaborative approach to this function. It has established a Legislative Review and Regulatory Functions Committee with RAP members and a suite of processes and policies to support this work.

### **Protecting Ancestors' resting places and returning Ancestors to Country**

Council is the central coordinating body responsible for Ancestral Remains in Victoria. With the implementation of a new Ancestral Remains Policy and Repatriation Support Committee with RAPs, this fundamental work will strengthen the protection of Aboriginal burial places and deliver better support to Traditional Owners returning Ancestors to Country.

### **Secret (or Sacred) Objects in Victoria**

Council is responsible for the care of Secret (or Sacred) Objects whilst they are returned to their Traditional Owners. Council's custody of Objects is a profound responsibility to support Traditional Owners manage and retain their Cultural Heritage.

### **Managing the Victorian Aboriginal Cultural Heritage Fund (Fund)**

The Council is responsible for managing the Fund for initiatives to protect Aboriginal Cultural Heritage and to promote understanding and awareness of this unique heritage managed by Traditional Owners for all Victorians.

### **Measures to promote understanding and awareness**

Council's work includes promoting understanding and awareness of Aboriginal Cultural Heritage in Victoria. The Council achieves this through establishing partnerships and consulting with key rightsholders and stakeholders, making submissions to reviews of legislation, investigations and inquiries that impact on Aboriginal Cultural Heritage and participating in external committees and reference groups.



Image: Martin7d2, Triplet Falls, Great Otway National Park, Eastern Maar Country

# STRENGTHENED PRIDE IN AND KNOWLEDGE OF ABORIGINAL CULTURAL HERITAGE



## **BUDJ BIM CULTURAL LANDSCAPE RECOGNISED**

On Saturday 6 July 2019, a significant milestone in realising Traditional Owner led management, protection, education and enjoyment of Aboriginal Cultural Heritage was made by the Gunditjmara Peoples. The Gunditjmara Peoples' Country, their relationship to Country, their innovation and their custodianship was recognised at a global level with the inclusion of the Budj Bim Cultural Landscape on UNESCO's World Heritage List.

The strongest protection of our cultural sites is achieved when others learn to care and, today, the world has said they care.

*"In us lives a Culture that extends through time but, at the end of the day, we drive modern cars, eat modern food, live in a modern context and we apply our understandings of cultural identity to a modern world. Today the modern world has acknowledged our ancient lineal connection to Culture and Country, forged over tens of thousands of years."*

*Rodney Carter, Chairperson*

As a Council of Traditional Owners, we understand the work and commitment made by the Gunditjmara Peoples to have their ancient lineal connection to Country recognised. We applaud their strength and resilience in succeeding.

There are many of us who have had the opportunity to be exposed to our Culture. It shapes identity and is a lived spirituality fundamental to the wellbeing of our communities through connectedness across

generations. Our Cultural Heritage has been passed from the Ancestors to future generations through today's Traditional Owners whose responsibilities are profound and lifelong. We as First Peoples, with education and understanding, can share our Culture with the world.

*"We support the Gunditjmara Peoples in contributing to the cultural conversation for the protection of significant Aboriginal sites within the state. It is important that we work collectively to ensure all Aboriginal groups' cultural rights are respected and recognised."*

*Geraldine Atkinson, Council Member*

In the first week of commencement of the Aboriginal Heritage Act 2006, on 30 May 2007, the Gunditj Mirring Traditional Owner Corporation in Victoria's south west was the first Aboriginal party to be registered to better protect and manage their Cultural Heritage. At the time, then Chair of the newly formed Council, Ricky Mullett, said "this is an important first step towards giving Aboriginal communities the decision-making power to manage and protect their Cultural Heritage at the local level – which is what traditional communities have wanted for a long time."

The inclusion of Budj Bim on the World Heritage List, the first site in Australia to be included solely on cultural values, is another significant first step for the Gunditjmara Peoples. We encourage all Traditional Owners to follow in their footsteps and let the world look with awe on our Culture, the oldest living Culture on earth.

## **CARING FOR COUNTRY**

These projects support Traditional Owners in undertaking their responsibilities for Country. They provide a space for Traditional Owners to talk about why it is important to protect Cultural Heritage and discuss how it is managed on Country.

### **Caring for Country on 3KND Big Brekky**

The Council has partnered with 3KND radio to talk about Caring for Country. The new and deadly segment is a yarn with a different Traditional Owner each month about protecting Aboriginal Cultural Heritage. The program started on Wednesday 29 April 2020, will continue until the end of 2020 and you can catch it live on the last Wednesday of each month at 8:30am.

### **Caring for Country at Fed Square**

On 24 June 2020, Council presented a live digital event from the Deakin Edge at Fed Square. Racquel Kerr hosted a panel of esteemed Traditional Owners including Hans Bokelund, Rodney Carter, Jamie Lowe and Rachel Perkins. The panel discussed caring for Country through a consideration of the current legislations protecting Aboriginal Cultural Heritage.

During the event, Rodney Carter launched the Taking Control of Our Heritage Discussion Paper on legislative reform of the Aboriginal Heritage Act 2006.

Image: Our Language Matter Place Naming Workshop in Mildura, 2019, First People of the Millewa Mallee Country



## STRENGTHENED PRIDE IN AND KNOWLEDGE OF ABORIGINAL CULTURAL HERITAGE

### OUR PLACES OUR NAMES

These projects support Traditional Owners to reinstate their traditional names for places on Country into the current, formal frameworks of placemaking.

### Our Languages Matter

The Our Languages Matter program of workshops have created a shared purpose, developed understanding and designed a shared approach that enables all interested people to create change together.

Since 2018, these workshops have provided opportunities for Traditional Owners to promote the importance of local Aboriginal languages in the naming of roads, geographic features and localities. Importantly, participants from Local and State Government have been supported to explore ways for establishing strong professional relationships with RAPs to enable future collaborative naming activities.

Council's Our Languages Matter program of workshops were awarded a prestigious Good Design Award 'Tick' in July 2019. Australia's annual Good Design Awards program is one of the oldest and most prestigious international design awards in the world, promoting excellence in design and innovation since 1958. It is recognised by the World Design Organization as Australia's peak international design endorsement program.

Council strives for Aboriginal People to speak for, and with, their Cultural Heritage. Using language in place naming is an important contribution to reclamation and use of Aboriginal languages by

Aboriginal Victorians. Traditional Owner managed Language and Country is fundamental to Council's purpose and to these workshops.

*"This is a project that applies co-design approaches to a sensitive and complex topic, and the adoption of visual techniques to work around language challenges. The Jury appreciated the connection between participation and positive impact for the communities involved - creating value through both process and outcome. It's heartening to see both social impact and the potential for economic advancement. Well done."*

*Good Design Award Judges*

### Our Places Our Names Waterways Naming Project

Naming unnamed waterways and renaming of named waterways, with Traditional names, is an important step in realising self-determination for Victorian Traditional Owners. Council has released a guide for RAPs to navigate the naming process to ensure that the original names of Country be retained and used across Country. Additional protections are being considered for un-named waterways in Council's taking Control of our Heritage Discussion Paper.

### TAKING CONTROL OF OUR HERITAGE

These projects explore the legislations that govern Aboriginal Cultural Heritage and advocate for the best international standards for protection and management.

### Taking Control of Our Heritage Discussion Paper on legislative reform of the Aboriginal Heritage Act 2006

The objective of the Paper is to help everyone, Aboriginal and non-Aboriginal, Victorian and non-Victorian, have their say on the operation of the Act. The Paper organises proposals for legislative change into themes corresponding to mechanisms and parts of the Act. Each has its own section which explains the key purpose of the proposed change and invites submissions and questions.

The primary focus of the review is the Act, however, if issues raised relate to the Aboriginal Heritage Regulations 2018 these will also be considered.

### Taking Control of our Heritage Indigenous Cultural Heritage Conference 2021

Recently postponed until 24-26 March 2021, Council is hosting the Conference to provide the first opportunity for Traditional Owners and their allies to meet, discuss, and develop programs, strategies and ideas to take control of their Cultural Heritage in Australia.

The Conference is for all Traditional Owners, their organisations and those that work with them in the promotion, management and protection of Indigenous Cultural Heritage. The Conference program will encompass several relevant themes, prominent international and national speakers as well as a comprehensive social program.

## STRENGTHENED PRIDE IN AND KNOWLEDGE OF ABORIGINAL CULTURAL HERITAGE



Image: Rodney Carter and Rhonda McLaren at a Council and Heritage Council of Victoria Joint Working Group event



Image: The Hon Gavin Jennings, then Minister for Aboriginal Affairs, attending the Chair's Dinner

### **MAKING CHANGE**

These projects provide environments for Council and RAPs to genuinely engage and discuss their work.

#### **RAP Connect**

In March 2020, Council had to drastically alter the Special RAP / Council Forum it was to hold in Bendigo. The Forum was to provide Council and RAPs and opportunity to sit together and discuss the ways the current legislations practically enable the management and protection of Aboriginal Cultural Heritage in Victoria. Due to the Stay at Home Directions, the Forum was changed to a teleconference. The direct engagement, RAP Connect, offered by this changed format enabled genuine discussion amongst the RAPs and Council. As needs changed, the new forum continued every two or four weeks and will remain active as a digital based yarn until at least the end of 2020.

#### **The Chair's Dinner**

The inaugural Chair's Dinner was held in the Federation Room of the Parliament of Victoria on Thursday 13 February 2020. The formal banquet, hosted by Rodney Carter, achieved its objective of providing a social environment for senior Traditional Owners to sit together and discuss how best the primacy of their responsibilities for Aboriginal Cultural Heritage can be enacted by government.

Image: Bonnie Chew at a Council and Heritage Council of Victoria Joint Working Group event

# DEEPER UNDERSTANDING OF CULTURAL HERITAGE

## DEEPER UNDERSTANDING OF CULTURAL HERITAGE

A long-standing statutory function of Council is to promote public awareness and understanding of Aboriginal Cultural Heritage in Victoria. Complementing this function is Council's role to promote and facilitate research into Aboriginal Cultural Heritage.

Council strategically engages with communities, organisations, government departments and the Minister for Aboriginal Affairs to build mutual respect in the broader community, in partnership with RAPs and other Traditional Owners.

### WORKING COLLECTIVELY

Council contributes extensively to promoting a deeper understanding of Cultural Heritage through broad engagement with strategic legislative and operational reviews.

#### Council Advisory Committees

- Ancestral Remains Advisory Committees
- Ancestral Remains Policy Committee
- Budget & Risk Committee
- Cultural Heritage Management Plans and Permits Advisory Committee
- Legislative Review and Regulatory Functions Committee
- Secret and Sacred Objects Advisory Committees
- Victorian Aboriginal Heritage Register Advisory Committees



Image: Troy McDonald, GLaWAC Director and Geraldine Atkinson at the Chair's Dinner

#### New direction in developing relationships with RAPs

The 2016 amendments to the Aboriginal Heritage Act 2006 provided a real and practicable framework for broadened protection of Aboriginal Cultural Heritage in Victoria. Part of these changes was the development of a regulatory function for Council that represents a significant new chapter in its history.

Subsection 132(ch) of the Act establishes as one of these functions that Council "manage, oversee and supervise the operations of registered Aboriginal parties". Section 154A creates the power in Council to impose conditions upon the registration of a RAP and section 156 creates the power to suspend or revoke the registration of a RAP.

In combination, these sections are a comprehensive set of provisions designed to give Council a central role supporting RAPs in the exercise of their statutory powers under the Act. Council has been

working towards a strength-based approach in exercising these functions and now seeks to work closely with RAPs on developing actionable policies and programs to realise this.

Council has formed the new Legislative Review and Regulatory Functions Committee to develop policies and examine their regulatory framework. The Committee will guide Council in their work so that the regulatory structure outlined in the Act actively supports and helps RAPs and their Traditional Owner members, not burdens and undermines them.

#### Council Committees and Working Groups

- Conference Planning Committee
- Inspector training and consultation policy working group
- Joint working group with the Heritage Council of Victoria

#### Reference/Steering Groups and Committees

- Department of Agriculture, Water and the Environment Cultural Reference Group – Best Practice Principles & Vision
- Marine & Coastal Policy Stakeholder Reference Group
- Right People for Country Steering Committee
- The University of Melbourne Aboriginal and Torres Strait Islander Cultural Heritage Oversight Committee
- Victorian Aboriginal Local Government Action Plan

## POLICY, STRATEGY AND DEVELOPMENT REVIEWS

### Legislative Review

- Taking Control of Our Heritage, a Discussion Paper on legislative reform of the Aboriginal Heritage Act 2006
- Review of the Corporations (Aboriginal and Torres Strait Islander) Act 2006 - Victorian Aboriginal Heritage Council Submission to the 2020 phase 1 review
- Review of the Environment Protection and Biodiversity Conservation Act 1999 - Victorian Aboriginal Heritage Council submission to the 2020 phase 2 review

### Council Policy

- Complaints against Registered Aboriginal Parties - A formal mechanism for people to bring to Council's attention their complaints about the way a RAP discharges its functions under the Act.
- Registered Aboriginal Parties and fieldwork under coronavirus (COVID-19) Stage 3 Stay at Home restrictions - Guidelines for RAPs, heritage advisors and sponsors to the circumstances in which CHMP or cultural heritage permit fieldwork can proceed under coronavirus (COVID-19) Stage 3 Stay at Home restrictions.
- Use of a Due Diligence Approach to Assessment of Aboriginal Cultural Heritage - Recommendations for RAPs and Local Government Authorities (LGAs) on the use of the "Due Diligence" approach, to assess the requirement for a Cultural Heritage Management Plan.

- Variations to Registrations of Aboriginal Parties - Understanding section 155 of the Aboriginal Heritage Act 2006.
- RAP Code of Conduct (for publication after the reporting period) - Aims to both clarify and codify the role of RAPs, the standards of work and conduct that should be aspired to and illuminate the types of behaviours and best practice procedures for RAPs.
- Heritage Advisor Guidelines (for publication after the reporting period) - Aim to both clarify and codify the role of Heritage Advisors, the standards of work and conduct that should be expected and illuminate the types of behaviours and values that should underpin heritage work in Victoria.

### Strategy Development

- Dhawura Ngilan - A vision for Aboriginal and Torres Strait Islander heritage in Australia and the Best Practice Standards in Indigenous Cultural Heritage management and legislation
- Framework for Government Engagement with Traditional Owners
- Latrobe Valley Regional Rehabilitation Strategy
- Repatriation of Ceremonial Objects and Human Remains under the UN Declaration on the Rights of Indigenous Peoples
- Victorian Aboriginal and Local Government Strategy 2020 – 2025 Pathway to Stronger Partnerships

## GOVERNMENT ENGAGEMENT WITH TRADITIONAL OWNERS

### Western Highway

Throughout the reporting period, the ongoing disruption to works on the Western Highway has been a concern for our community, both Aboriginal and non-Aboriginal. Council feels that robust processes for the protection of Aboriginal Cultural Heritage have been, and will continue to be, undertaken.

Victoria has nationally significant legislation that protects Aboriginal Cultural Heritage through ensuring it is managed by Traditional Owners. Council supports Traditional Owners to speak for their Cultural Heritage and supports this through undertaking statutory responsibilities under the Aboriginal Heritage Act 2006.

*"The Aboriginal Heritage Act 2006 provides protection of Aboriginal Cultural Heritage in Victoria. It supports Registered Aboriginal Parties, Traditional Owners, custodians and First Peoples to once again take their rightful place as the primary guardians, keepers and knowledge holders of Aboriginal Cultural Heritage in Victoria."*

*Rodney Carter, Chairperson*

## DEEPER UNDERSTANDING OF CULTURAL HERITAGE

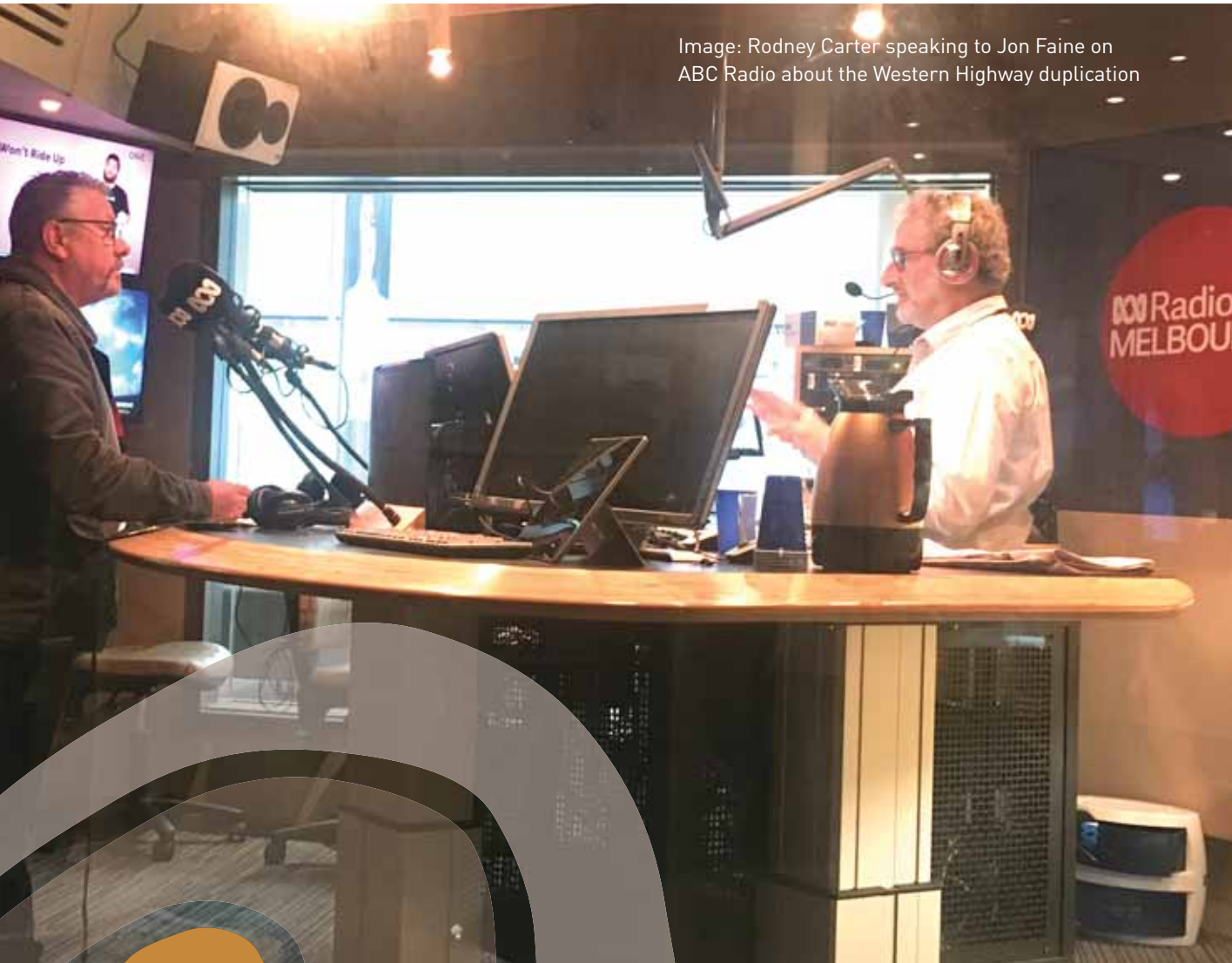


Image: Rodney Carter speaking to Jon Faine on ABC Radio about the Western Highway duplication

The Council supports inclusive Traditional Owner group structures whilst appreciating that all People have a voice and the agency to speak for their Culture. Our People have a strong and respected tradition of protesting - of siting in, of camping out - because we know that questioning decisions is essential to an engaged and dynamic community.

The process of managing our Cultural Heritage is undertaken through rigorous applications to both federal and state legislation, ensuring inclusion within our community and engagement with our neighbours. Through representative organisations which have met stringent requirements for inclusiveness in speaking for their people and Country, the voices of Djab Wurrung People have been heard through the Eastern Maar Aboriginal Corporation and Martang Pty. Ltd.

Engagement with non-representative groups undermines the capacity for self-determination of formally recognised and inclusive Traditional Owner organisations. The Council supports these recognised organisations to speak collectively for their community and Country.

Not recognising due process clouds the importance of the acknowledgement of recognised Traditional Owners and what they undertook to participate in these processes. The challenge for us all is to understand that the right thing has happened and that, through the process, the voice of First Peoples' has been recognised.



## IBAC Hearing

At the 21 November 2019 Independent Broad-based Anti-Corruption Commission (IBAC) hearing, recordings of property developer John Woodman revealed that he had “paid off” Aboriginal groups to overlook Aboriginal Cultural Heritage.

It is essential that we understand the context for these claims made about Aboriginal People taking lightly their responsibility for their Cultural Heritage and their Old People.

The Martha Cove Development Assessments which are the basis of the allegations, were undertaken in 2002. This was well before the implementation of the Victorian Aboriginal Heritage Act in 2006 and the appointment of a Registered Aboriginal Party for this area in 2017. Concerns regarding corruption, and the wrong Aboriginal People being involved in decision making, were drivers for the creation of the current Act.

These claims are completely unacceptable, and it was rumours of this sort of behaviour that led to the legislation being changed in Victoria in 2006. The Council is pleased that Victoria is at the forefront of having heritage legislation in place that combats this sort of behaviour.

The Act provides protection of Aboriginal Cultural Heritage in Victoria in several ways. Most importantly, this is achieved through the statutory empowerment of its custodians. This is, in part, achieved through the creation of the Council and through its responsibility to appoint RAPs. Council is proud of what it has done over the last decade to empower Traditional Owners and resolve the injustice to our People by appointing RAPs as custodians and managers of their Cultural Heritage.

The kind of behaviour revealed in the IBAC hearings impacts most on the protection of Aboriginal Cultural Heritage, and the reputation of Traditional Owners. And that’s why it’s Traditional Owners themselves, through the Council, who are empowered to do something about it.

There will always be a minority of people who try this on, who try to get around properly managing and protecting heritage. But we have the means to stamp this out, through IBAC, and through the oversight of the Council.

## THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

The Declaration is the foundation of Council’s work and supports the survival, dignity and wellbeing of Our People. In 2007, the United Nations General Assembly adopted the significant *Declaration on the Rights of Indigenous Peoples*, however there is still much to be done in realising this commitment. Council calls for all Victorians to join it in affirming that:

*Indigenous Peoples are equal to all other Peoples, while recognising the right of all Peoples to be different, to consider themselves different, and to be respected as such.*

We all have a part to play. Council asks that each of us recognise in ourselves, our workplaces and our institutions, that Indigenous Peoples have the Right to:

- Self-determination.
- Self-government in matters relating to their internal affairs, as well as ways and means for financing their autonomous functions.
- Not be subjected to forced assimilation or destruction of their Culture.
- Not be forcibly removed from their lands or territories.
- Practise and revitalise their cultural traditions and customs.

**THE VICTORIAN ABORIGINAL HERITAGE COUNCIL CALLS FOR ALL VICTORIANS TO AFFIRM THAT:**

- Manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies.
- Maintain, protect, and have access in privacy to their religious and cultural sites.
- The use and control of their ceremonial objects.
- The repatriation of their human remains.
- Revitalise, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures.
- Designate and retain their own names for communities, places and person.
- Participate in decision-making through representatives chosen by themselves, in accordance with their own procedures, as well as to their own decision-making institutions.
- Maintain and strengthen their distinctive spiritual relationship with their traditionally owned lands, territories, waters and coastal seas and other resources.
- Maintain, control, protect and develop their Cultural Heritage, traditional knowledge and traditional cultural expressions.
- The manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts.

**Indigenous Peoples are equal to all other peoples, while recognising the right of all peoples to be different, to consider themselves different, and to be respected as such**

**WE ASK THAT EACH OF US RECOGNISE IN OURSELVES, OUR WORKPLACES AND OUR INSTITUTIONS, THAT INDIGENOUS PEOPLES HAVE THE RIGHT TO:**

**Self-determination**

Self-government in matters relating to their internal affairs, as well as ways and means for financing their autonomous functions

Not be subjected to forced assimilation or destruction of their Culture

Not be forcibly removed from their lands or territories

Practise and revitalise their Cultural Traditions and Customs

Manifest, practise, develop and teach their spiritual and religious Traditions, Customs and Ceremonies

Maintain, protect, and have access in privacy to their religious and cultural Sites

The use and control of their Ceremonial Objects

The repatriation of their Ancestral Human Remains

Revitalise, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures

Designate and retain their own names for communities, places and person

Participate in decision-making through representatives chosen by themselves, in accordance with their own procedures, as well as to their own decision-making institutions

Maintain and strengthen their distinctive spiritual relationship with their traditionally owned lands, territories, waters and coastal seas and other resources

Maintain, control, protect and develop their Cultural Heritage, Traditional Knowledge and Traditional Cultural Expressions

The manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts



**VICTORIAN ABORIGINAL HERITAGE COUNCIL**

[www.aboriginalheritagecouncil.vic.gov.au](http://www.aboriginalheritagecouncil.vic.gov.au)

Image: Zoey Daws, Upper Taggerty Cascade, Yarra Ranges National Park, 2016, Wurundjeri Woi Wurrung Country

# COUNCIL CONTROL OVER ITS OPERATIONS

Standing side by side with RAPs, as Victorian Traditional Owners, Council is progressing its attainment of an independent organisational and operational structure.

With the longstanding support of the Ministers for Aboriginal Affairs and underpinned by the collective aspirations of the Act, Council seeks self-determination in its internationally benchmark setting work.

As Council begins work on its fifth Strategic Plan, we take the time to consider the support for its independence. In Council's first Plan, the then Minister for Aboriginal Affairs the Hon. Richard Wynne, identifies the recently implemented Act as "giving Aboriginal people more power to articulate a vision for their future and to activate that vision is important in terms of making restitution and moving forward together." He supported Council to "provide an expert state-wide voice for Aboriginal people and they do this independently of government".

From 2008 to their most recent Plan, the Minister for Aboriginal Affairs in Victoria recognise the necessity and importance of Council's independence. In 2017, then Minister for Aboriginal Affairs the Hon. Natalie Hutchins, was "pleased that [the Plan] also sets the course for Council's management of the new Victorian Aboriginal Cultural Heritage Fund and Council's own transition towards greater independence."

For over a decade, Council has been supported in its seeking of independence. Now, after 100 Council meetings, a pandemic and 25 Council member appointments, it is time to realise the urgency of a truly self-determined autonomy.

# INCREASING RAP COVERAGE, CAPACITY AND SUSTAINABILITY

Image: Kaptain Kobold, Pelicans on  
Barmah Lakes, 2017, Yorta Yorta Country

A fundamental responsibility of Council is to determine applications for the registration of RAPs and variations to the boundaries of those RAPs once appointed. In this reporting period, Council received three RAP applications and one boundary variation, declined one application zone and varied the boundary of one RAP. During the reporting period, Council examined five boundary variation requests and revoked the registration of one RAP.

At 30 June 2020, Council had appointed 12 RAPs which collectively cover 74% of the state:

- Barengi Gadjin Land Council Aboriginal Corporation
- Bunurong Land Council Aboriginal Corporation
- Dja Dja Wurrung Clans Aboriginal Corporation
- Eastern Maar Aboriginal Corporation
- First People of the Millewa-Mallee Aboriginal Corporation
- Gunaikurnai Land and Waters Aboriginal Corporation
- Gunditj Mirring Traditional Owners Aboriginal Corporation
- Taungurung Land and Waters Council Aboriginal Corporation
- Wadawurrung Traditional Owner (formerly Wathaurung) Aboriginal Corporation
- Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation
- Yorta Yorta Nation Aboriginal Corporation.

## Notices

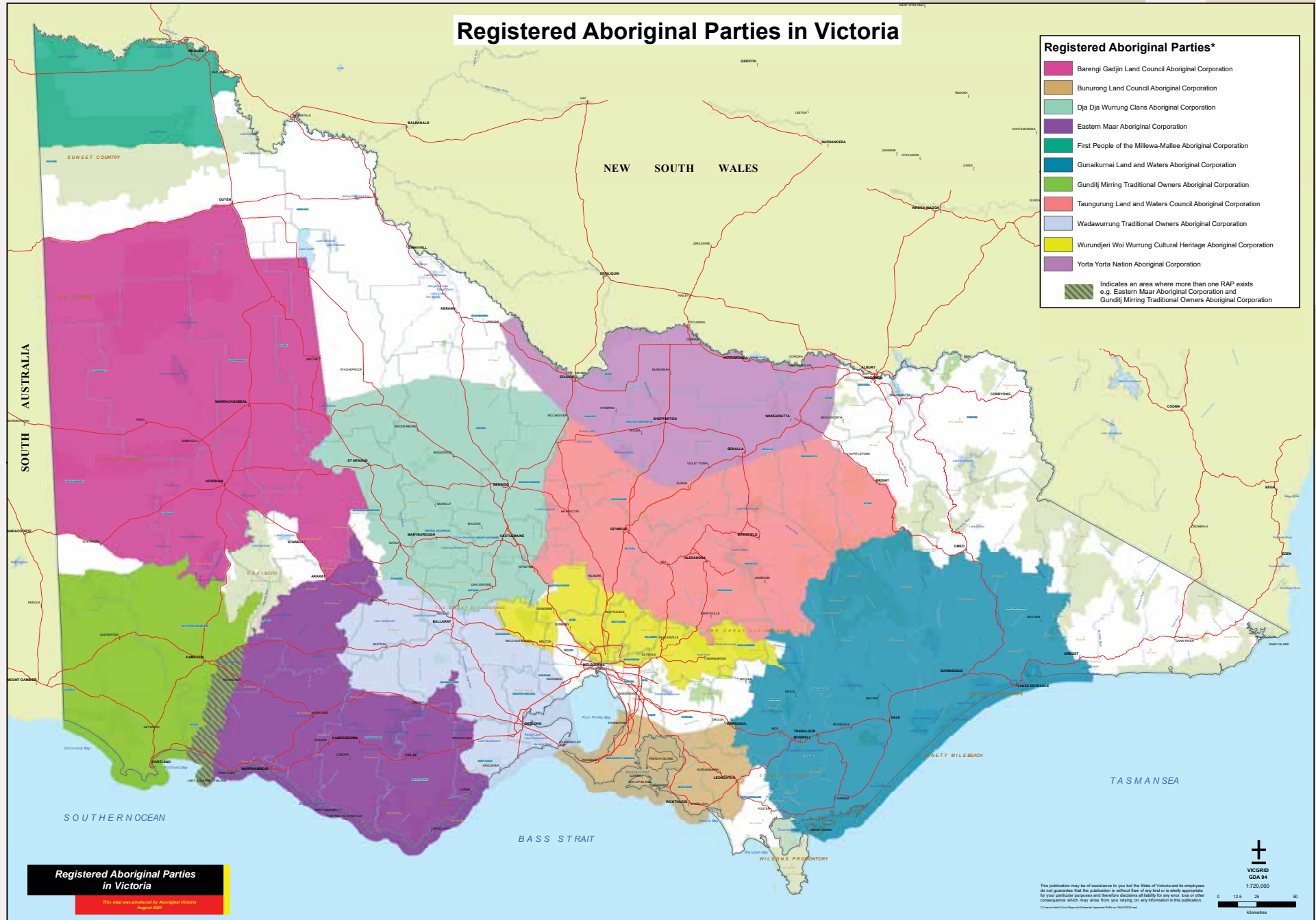
- On 1 August 2019, Martang Pty. Ltd. (**Martang**) had its formal registration as an Aboriginal Party revoked.
- A RAP application was received on 22 August 2019 from Boonwurrung Land and Sea (Aboriginal Corporation) (**BLSAC**).
- A RAP application was received on 22 October 2019 from Eastern Maar Aboriginal Corporation (**EMAC**).
- A RAP application was received on 6 April 2020 from Bangerang Aboriginal Corporation.
- Notice of Registered Aboriginal Party boundary negotiation to vary existing boundary area between the Bunurong Land Council Aboriginal Corporation and Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation was published on 23 April 2020.
- A RAP application was received on 6 June 2020 from Barapa Country Aboriginal Corporation.

# Registered Aboriginal Parties in Victoria

**Registered Aboriginal Parties\***

- Barengi Gadjin Land Council Aboriginal Corporation
- Bunurong Land Council Aboriginal Corporation
- Dja Dja Wurrung Clans Aboriginal Corporation
- Eastern Maar Aboriginal Corporation
- First People of the Millewa-Mallee Aboriginal Corporation
- Gunaikurnai Land and Waters Aboriginal Corporation
- Gunditj Mirring Traditional Owners Aboriginal Corporation
- Taungurung Land and Waters Council Aboriginal Corporation
- Wadawurrung Traditional Owners Aboriginal Corporation
- Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation
- Yorta Yorta Nation Aboriginal Corporation

Indicates an area where more than one RAP exists  
e.g. Eastern Maar Aboriginal Corporation and Gunditj Mirring Traditional Owners Aboriginal Corporation



**Registered Aboriginal Parties in Victoria**  
This map was produced by Aboriginal Victoria August 2020

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## INCREASING RAP COVERAGE, CAPACITY AND SUSTAINABILITY

### COUNCIL NOTICES AND DECISIONS

#### **Boonwurrung Land and Sea Council (Aboriginal Corporation)**

At its meeting on 12 December 2019, the Victorian Aboriginal Heritage Council decided to decline BLSC's RAP application in relation to:

*an area that includes the part of the Melbourne CBD, and extends out to include Richmond and Cremorne in the inner east, part of Collingwood in the inner north-east, and Kensington in the inner west; the Dandenong Ranges in the east, and extends further east to Neerim and Noojee; includes the Mornington Peninsula and Tarwin and Wilson's Promontory to the south and to the west an area that includes Caroline Springs, Deer Park, Hoppers Crossing, Laverton, Plumpton and Sunshine.*

#### **Eastern Maar Aboriginal Corporation**

At its meeting on 6 February 2020, the Victorian Aboriginal Heritage Council decided to approve EMAC's boundary variation application in relation to:

*an area that extends easterly to the Wathaurung Aboriginal Corporation's RAP boundary including the Great Otway National Park and the townships of Warrnambool, Terang, Mortlake, Camperdown, Colac, Apollo Bay, Lorne and Cressy. The area is bounded to the north west by the Grampians National Park and extends through Ararat to a point just north of the Wimmera River.*

In effect, this decision extends EMAC's RAP area.

As a collective of Traditional Owners, the work undertaken through the Victorian Aboriginal Heritage Council moves the Victorian community towards a place of understanding and respect for Aboriginal Cultural Heritage and the cultural responsibilities of our People.

One of Council's primary functions is to appoint RAPs to manage their Cultural Heritage on Country. These organisations represent Traditional Owners and hold decision-making responsibilities under the Aboriginal Heritage Act 2006 for the protection, management and preservation of Aboriginal Cultural Heritage within an appointed area. RAPs are the primary source of advice and knowledge on matters relating to their Heritage.

*"Council supports Eastern Maar as the Rightful People to speak for and manage their Country under the Aboriginal Heritage Act 2006. Accountability to their membership is a key and fundamental practice which we encourage.*

*Traditional Owner assets are not materialistic, our Culture cannot be measured in monetary forms, it is in the shape of Our Peoples' strength, knowledge and in the Peoples' unified voices."*

*Sissy Pettit, Deputy Chairperson*

Council has been considering this land for over a decade and are satisfied that EMAC are an inclusive representative organisation, with the organisational capacity, sustainability and ability to undertake Cultural Heritage management and protection responsibilities for their Country.

## **Martang Pty. Ltd.**

On 1 August 2019, Martang Pty. Ltd. had its formal registration as an Aboriginal Party revoked.

As Traditional Owners, Martang protected, managed and preserved Aboriginal Cultural Heritage in their appointed area from 13 September 2007 until 31 July 2019.

On 13 September 2007, the Council appointed Martang as a RAP in south-west Victoria. It recognised Martang as an organisation representing Traditional Owners with strong traditional links to the area, supported by members of the Djab Wurrung and neighbouring communities.

Martang have said of their work:

*“The identification, preservation and protection (management) of Aboriginal Culture is fundamental to the rights and responsibilities of Traditional Owners, which are enshrined in state, national and international legislation, policies and conventions on the protection of Aboriginal Cultural Heritage.”*

Martang had its formal registration as an Aboriginal Party revoked under the Aboriginal Heritage Act 2006 S.156(2)(a). When the RAP is no longer registered under the Corporations (Aboriginal and Torres Strait Islander) Act 2006, de-registration is automatic.

The revocation of registration of a RAP does not impact on statutory decisions made by that RAP when registered.



Image: Steven Penton, Yarra Ranges National Park, 2017, Wurundjeri Woi Wurrung Country

## INCREASING RAP COVERAGE, CAPACITY AND SUSTAINABILITY

### COUNCIL'S SUPPORT FOR RAPs

The Victorian Aboriginal Heritage Council, as a statutory authority under the Act, is responsible for a variety of functions including overseeing the work and operational functionality of RAPs. Additionally, Council will periodically review and publish policy and guidelines in support of its work and the work of RAPs.

Whilst undertaking this work, Council receives reports from RAPs on a variety of issues.

### Registered Aboriginal Parties and Fieldwork During coronavirus (COVID-19) Stage 3 Stay at Home Restrictions Policy Guidelines

In May 2020, Council developed guideline for RAPs, heritage advisors and sponsors to the circumstances in which Cultural Heritage Management Plan (**CHMP**) or Cultural Heritage Permit (**CHP**) fieldwork can proceed under coronavirus (COVID-19) Stage 3 Stay at Home restrictions. The guideline's development was largely responding to concerns from RAPs at Aboriginal Victoria's Advisory Notice regarding Registered Aboriginal Party Fieldwork during the current restrictions issued on 6 April 2020. That Advisory Notice may have given the impression that the provisions of ss 59 and 60 of the Act operated in the current circumstances to the effect that where a RAP declined to participate in proposed fieldwork activities related to a CHMP or CHP as a result of concerns relating to the health and well-being of its employees then the fieldwork could proceed and still satisfy the requirements of the Act.

The purpose of the Guideline was to clarify that impression and to provide guidance for RAPs, Heritage Advisors and Sponsors as to the circumstances in which CHMP or CHP fieldwork can proceed in the current circumstances.

### Recommendations on the use of a Due Diligence approach to assessment of Aboriginal Cultural Heritage

Council has been concerned at reported problems arising from LGAs' use of the 'Due Diligence' approach, to assess the requirement for a CHMP for specific activities. The reported harm to Aboriginal Cultural Heritage caused by the resulting activity is an issue that RAPs are facing regularly and is something Council feels strongly about addressing.

The regulations to the Aboriginal Heritage Act 2006, the Aboriginal Heritage Regulations 2016, clearly set out the type of activities and in which circumstances a CHMP is required. It is only through the preparation, approval and implementation of a CHMP that a defence can be raised to the offence of harming Aboriginal Cultural Heritage. Completion of a 'Due Diligence' approach will not create such a defence.

During the reporting period, Council reminded LGAs that Victoria's RAPs and Traditional Owners are the primary knowledge keepers of all matters relating to Victorian Aboriginal Cultural Heritage. This is not only true for physical, tangible Aboriginal Cultural Heritage, but also for Intangible Aboriginal Cultural Heritage.

Council encouraged all LGAs to ensure all planning applications are subject to the legislated processes necessary to ensure the protection of Aboriginal Cultural Heritage. One method of achieving this is to ensure that any development proposal that has relied on a 'Due Diligence' approach to an assessment of risks to Aboriginal Cultural Heritage has at the very least involved consultation with the relevant RAP.

### Appointment of Authorised and Aboriginal Heritage Officers

Council has a responsibility to advise the Minister for Aboriginal Affairs on the training and appointment of Authorised Officers (**AOs**) and Aboriginal Heritage Officers (**AHOs**). The Officers enforce the Act and have responsibility for Cultural Heritage Audits and assess compliance with CHMPs and CHPs. During this reporting period, Council was pleased to advise the Minister on the appointment of nine AHOs and six AOs.

Whilst these regulatory positions contribute to effective management of Aboriginal Cultural Heritage, they could be stronger. Council's Discussion Paper for legislative reform considers that the work undertaken by AHOs could be significantly strengthened if they could enter land or premises without the consent of the occupier.

The current legislation restricts AOs' and AHOs' powers to the point where they are inhibited from carrying out their functions. In the likely event that an individual who is suspected of an offence





against the Act does not give an Officer consent to enter their premises, the Officer is stopped from carrying out their duty to protect Aboriginal Cultural Heritage.

### **Statutory Functions**

During the reporting period, Council has undertaken the following statutory functions in support of Traditional Owners.

Council has not provided advice or made recommendations to the Secretary of the Department of Premier and Cabinet relating to:

- measures to establish appropriate standards and guidelines for the payment to RAPs of fees for doing anything referred to in section 60 of the Act. Council has however developed RAP Fees and Guidelines and a Heritage Advisor Code of Conduct for release after the reporting period.
- the exercise of his or her powers under this Act in relation to CHPs, CHMPs and Cultural Heritage Agreements.

- consideration of proposed CHMPs for which the Secretary is the sponsor.
- cultural heritage permits related to Aboriginal Ancestral Remains in areas without a RAP.

Council has however provided advice to the Secretary on a CHMP related to Aboriginal Ancestral Remains in areas without a RAP.

Council has not provided advice to the Minister administering the Planning and Environment Act 1987 on proposed amendments to planning schemes which may affect the protection, management or conservation of places or objects of Aboriginal Cultural Heritage significance.

Additionally, Council has not performed any functions under the Act in relation to CHPs, including the granting of CHPs.

Image: Ed Dunens, Mitre Rock, Mount Arapiles,  
2014, Barengi Gadjin Country

# TRANSITION AND CAPACITY OF COUNCIL

## COUNCIL'S RELATIONSHIP WITH GOVERNMENT

Council members are leaders in their communities with responsibilities to Culture and community wellbeing. It is significant that Council therefore has both a community responsibility to advocate for protection of Cultural Heritage and a statutory one.

As a full Council, or through representation of the Chair or Deputy Chair, Council has met with the Minister for Aboriginal Affairs, both the Hon. Gavin Jennings and the Hon. Gabrielle Williams, six times during the reporting period. Council's direct relationship with the Minister in an advisory capacity ensures that the Victorian Government enacts its commitment to self-determination in hearing the voice of Traditional Owners. One on one meetings with the Minister are an important contribution to Council's broader advocacy for the protection of Cultural Heritage and acknowledgement of the complex responsibilities of Traditional Owners in Victoria. Additionally, Council also talks to government through Secretaries, Deputy Secretaries, and in an educative role with other arms of government and ministerial portfolios.

During the reporting period, Council has discussed its *Taking Control of Our Heritage: Discussion Paper on legislative reform of the Aboriginal Heritage Act 2006*, with the Minister and looks forward to progressing this work with the Victorian Government. Regarding formal advice or recommendations made to the Minister during this period however, Council have made neither regarding:

- the cultural heritage significance of any Aboriginal Ancestral Remains or Aboriginal place or object;
- measures for the effective protection and management of Aboriginal Cultural Heritage in Victoria, including the management of culturally sensitive information relating to that Heritage;
- the standards of knowledge, experience, conduct and practice required of persons engaged in research into Aboriginal Cultural Heritage;
- the application of interim or ongoing protection declarations;
- a proposal by the Minister to require a CHMP to be prepared;
- whether a cultural heritage audit is necessary; and
- whether the compulsory acquisition of land is appropriate in any case.

A formal recommendation to the Secretary of the Department of Premier and Cabinet has been made by Council regarding the Aboriginal Cultural Heritage Fund. Management of the Fund is the responsibility of Council however this responsibility is currently inappropriately managed by the Department of Treasury and Finance.

## COUNCIL'S CUSTODIANSHIP OF ANCESTRAL REMAINS AND SECRET (OR SACRED) OBJECTS

### Returning our Ancestors

Central to Council's educative work is that focussing on the return and repatriation of Ancestors. In March 2020, Council was pleased to complete its documentary film, *Returning our Ancestors*, for both the Traditional Owner and broader Victorian communities. The film explores how Aboriginal Peoples' burial places have been desecrated in the name of curiosity, science and research and Ancestors stolen from their land, where they had been placed with care and ceremony, to be housed in metal boxes as specimens or ornaments of curiosity by individuals, families and institutions. Whilst the 1980s saw Aboriginal Ancestors start to return to rest on Country, the journey is by no means complete and there are many more of our Ancestors still to come home. The film asks everyone in the community to walk together and help in this essential work.

Unfortunately, as Council prepared to launch the film, restrictions on public gathering were implemented under the coronavirus (COVID-19) Stage 3 Stay at Home pandemic response. Given the new restrictive viewing environment, Council made the difficult decision to delay the launch whilst the community were isolated and the broader support networks needed to consider the film were limited.

Council anticipates that, with the easing of restrictions, we will be able to watch the film safely and together at the start of 2021.

## TRANSITION AND CAPACITY OF COUNCIL

### **Ancestral Remains Policy and Repatriation Support Committee and Victorian Aboriginal Heritage Register Advisory Committees**

Council's responsibility to return Ancestors to Country and Secret (or Sacred) Objects to community is profound on both personal and professional levels. Council has established an Ancestral Remains Policy and Repatriation Support Committee to strategically manage, and develop policy, regarding this work. With representation from RAPs and Council members, the Committee ensures transparency in these responsibilities.

The Committee is charged by Council to undertake the following work:

- Review and provide advice to Council on the effectiveness and progress of research dealing with the repatriation of Ancestral Remains and Secret (or Sacred) Objects under the management of Council.
- Provide advice to Council in regarding the development of relations with inter-state organisations that may expedite the interstate repatriation of Ancestral Remains and Secret (or Sacred) Objects under the management of Council.
- Provide advice to Council on the development of a program of consultation with Victorian Traditional Owners regarding the long-term management of Ancestral Remains under the management of Council that it appears will not be able to be provenanced.

During the reporting period, Council's Victorian Aboriginal Heritage Register Advisory Committees have not nominated information about Ancestral Remains, Secret (or Sacred) Objects or Aboriginal Places and Objects to be restricted information on the Register.

### **Care for Ancestors**

When Council takes custodianship of Ancestral Remains or Secret (or Sacred) Objects, a case file is opened, and all information is confidentially filed there. Currently, Council has approximately 2,000 cases and each of these cases may include more than one individual or object.

Council has opened 70 new cases of Ancestral Remains during the reporting period, inclusive of a significant number of in-situ Ancestors that were on Country and remain in the care of their Traditional Owners. Ten cases of ex-situ Ancestral Remains have been returned by an organisation or a private entity and repatriated to a Traditional Owner group. However, most cases in Council's care are those transferred from Museums Victoria under the Amendments to the Act. Each case must be appropriately investigated so that it can be returned to its correct Traditional Owners. The time required to thoroughly research in order to accurately provenance and ultimately repatriate varies greatly. Council's Ancestral Remains Unit continues to work with communities in researching cases but have been unable to repatriate any Ancestors currently held at the Museum during the reporting period.

### **Care for Secret (or Sacred) Objects**

Council continues to support enforcement of Traditional Ownership of Secret (or Sacred) Objects on a legal level. During the reporting period, Council has taken ten Secret (or Sacred) Objects cases into its custody and is working towards repatriation back to their Traditional Owners to continue their cultural care and use on Country. Whilst some artefacts were repatriated, no Secret (or Sacred) Objects have been returned to Traditional Ownership in this period. The imposition of coronavirus (COVID-19) Stages 3 & 4 Stay at Home restrictions have impacted significantly on this.

Image: Christina Hendricks, The Gorge,  
Mount Buffalo National Park, 2012,  
Taungurung Country

# VICTORIA'S REGISTERED ABORIGINAL PARTIES



## BARENGI GADJIN LAND COUNCIL ABORIGINAL CORPORATION

38 Plumpton Road, Horsham Vic 3400  
PO BOX 1255, Horsham VIC 3402  
(03) 5381 0977  
admin@bglc.com.au  
www.bglc.com.au



The Barengi Gadjin Land Council Aboriginal Corporation (BGLCAC) represents Traditional Owners from the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk peoples, who were recognised in a 2005 Native Title Consent Determination, the first in south-eastern Australia. Recognised as the RAP for an area of 37,126km<sup>2</sup> in the north west of the state, the Corporation covers 15.64% of Victoria.

We are committed to engaging with Community, creating strategies to better manage our land and water, looking after historical cultural sites, such as Ebenezer, The Ranch, and maintaining our cultural lore & practices.

BGLCAC and the Wimmera Catchment Management Authority (WCMA) continues to manage projects as part of the Victorian Government's Aboriginal Water Program. This year, one of these was the Lower Wimmera River Aboriginal Water Project – this included another two days of targeted archaeological survey, as well as Cultural Heritage Management and place recording training for Wotjobaluk Traditional Owners along the Wimmera River at Ross Lake and Jeparit, 8th and 9th July. Another of these is the Returning Water to the Billabong/Ranch Project.

Together with WCMA, BGLCAC presented a paper on Intangible Heritage at the inaugural Department of the Environment, Land, Waters and Planning (DELWP) Heritage Forum, Melbourne, 31 July. And together with WCMA, BGLCAC presented a paper on the effect of climate change on Culturally Modified Country Trees along Barringgi Gadyin at the 22nd Annual Wimmera Biodiversity Seminar 2019, Rupanyup, 5th September.

BGLCAC is continuing to manage the building conservation works at Ebenezer Mission with funding from Heritage Victoria's Living Heritage Grant Program. Coronavirus (COVID-19) Stage 3 Stay at Home restrictions have halted any on ground works from commencing; all permit requirements are being finalised in the meantime.

In addition to cultural heritage awareness training undertaken as part of standard CHMP planning Conditions, BGLCAC conducted a number of these training sessions for other interested groups during this period, including as part of the General Fire Fighters training for DELWP employees, Horsham, 25 October.

On 19 June, BGLCAC became the first RAP to use provisions of the AHA 2006 allowing an Interim Protection Declaration to be placed over the Aboriginal Place Dyurrite 1, Mount Arapiles-Tooran State Park, in close collaboration with the park's co-manager Parks Victoria, and AV.



## BUNURONG LAND COUNCIL ABORIGINAL CORPORATION



336-340 Nepean Hwy, Frankston VIC 3199  
PO BOX 11219, Frankston VIC 3199  
(03) 9770 1273  
admin@bunuronglc.org.au  
www.bunuronglc.org

The Bunurong Land Council Aboriginal Corporation (BLCAC) represents Bunurong people's rights and interests and manages the statutory responsibilities of the Corporation. The BLCAC are recognised as the RAP for an area of 5,439km<sup>2</sup>, or 2.29% of Victoria, including the Mornington Peninsula, Weterport and part of South-West Gippsland.

Bunurong people were amongst the first Indigenous people in Victoria that were involved in cross-cultural entanglements with Europeans, and though reduced to just a handful of individuals by the mid-1800s, we are still here and we continue to maintain our cultural obligations to care for the people, the flora and fauna, the lands and the waters within the Bunurong cultural landscape, which is alive with our stories.

As a relatively young RAP, some of the highlights of the last few years include discussions with Parks Victoria regarding a Bunurong Cultural Centre at Point Nepean. This would provide a strong Bunurong presence and voice onsite, cultural displays, walk and talk opportunities and a place for Bunurong people to be able to use as a base for cultural gatherings and practices, near to the site our Ancestors were not only born at for thousands of years, but also taken from by sealers in the 1830s. The outward facing vision is that schools and the public can call in for a few hours to learn about the history of Bunurong people and their Country, see the artefacts, hear the stories before they enter the National Park or Quarantine Station.

We have also been developing a Caring for Country (NRM) team with respected partners and major land managers so that Bunurong people have a vehicle to continue to exercise their rights and obligations to positively contribute to the custodianship and restoration of Bunurong Country. This work will offset in some way the heritage management component of what we do as a RAP, which often sees significant impact to our sites and Country. The team will provide a range of NRM services but will also handle Sea Ranger and Cultural Fire components. The BLCAC worked closely with Trust for Nature to secure funding that saw around 20 Aboriginal people from several mobs complete a free TAFE run customised course in land management.

Our Board has been doing some great work developing policies and budgets for a range of services to provide benefits to members including support for sorry business, emergency situations and travel assistance for full group meetings. The Board also initiated our Country Planning process which saw a large gathering of Bunurong people spend a week together traveling around our Country, stopping at many culturally significant locations, telling yarns and recording oral history as well as capturing the future aspirations of the group. This will all go toward populating our Country Plan, which will become a useful go to document for any department or agency wanting to understand our groups views, concerns and aspirations for our lands, waters and future.

Lastly, in 2020 the Yallock-Bulluk Marine and Coastal Park legislation was passed by State Parliament, which was named by BLCAC, who worked closely with DELWP and the State throughout the process. The name honours the Bunurong Clan of that area and the legislation provides multiple layers of protection to this dynamic and distinctive cultural landscape.

*"It's an ongoing but very rewarding challenge to meet the demands of all the requests we get and balance it against the protection of our heritage."*

*Robert Ogden, Heritage Manager*



## DJA DJA WURRUNG CLANS ABORIGINAL CORPORATION



13-15 Forest Street, Bendigo VIC 3550  
PO BOX 1026, Bendigo VIC 3552  
(03) 5444 2888  
info@djadjawurrung.com.au  
www.djadjawurrung.com.au

The Dja Dja Wurrung Clans Aboriginal Corporation proudly strives to represent Dja Dja Wurrung People in their continued rights of recognition as Traditional Owners. We persist in building the aspirations of our Djaara Elders; that every Dja Dja Wurrung person is happy, healthy, and secure in their identity, livelihood, and lifestyle. We are the recognised RAP for an area of 17,369km<sup>2</sup> in the north and centre of the state, the Corporation covers 7.32% of Victoria.

In the current times of coronavirus (COVID-19), our connection to community and djandak (country) is an integral part of our operations. These uncertain times have provided limited fieldwork, working from home but required us to reimagine how we engage with our members. If our members can't get to djandak, we must bring djandak to them. Our Wellbeing Packages were designed and produced for this purpose. Each box contained ochre, weaving

materials, indigenous seeds, and healing balms, all from indigenous businesses, for each of our members. Through coronavirus (COVID-19) we have had to adjust to the environment around us, but we continue to reinstate Djaara cultural knowledge, language, and presence on djandak through our various projects.

- Loddon Pipeline - South West Loddon Pipeline Project (SWLPP)
- VicTrack
- Balak Kalik Manya (Walking Together) Project
- Wanyarrum Dhelk (Good Waterhole) Project - Stage 2
- Djandak Wi (Healthy Fire)
- Victoria's Great Outdoors program - Bendigo campground update

*"The pandemic of COVID-19 has provided many challenges in recent times. As a Corporation, we still aspire to provide care for our people and members. Through providing support to our community through engagement, providing works on djandak, and building our economic health and growth. We remain focused on the bigger picture to be a part of our landscape and manage djandak for the future of our people."*

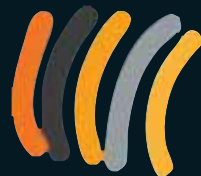
*Trent Nelson, Chairperson*





## EASTERN MAAR ABORIGINAL CORPORATION

PO BOX 546  
Warrnambool VIC 3280  
0429 544 343  
admin@easternmaar.com.au  
www.easternmaar.com.au



Eastern Maar Aboriginal Corporation (EMAC) is a Registered Native Title Body Corporate (RNTBC) that manages native title rights for the Eastern Maar Native Title rights holders who identify as, Eastern Gunditjmara, Tjap Wurrung, Peek Whurrung, Kirrae Whurrung, Kuurn Kopan Noot, Yarro waetch (Tooram tribe), Gadubanud and/or Gulidjan amongst other names – who today collectively refer to themselves as the Eastern Maar People/Citizens. Recognised as the RAP for an area of 19,177km<sup>2</sup>, the Corporation covers 8.08% of Victoria.

EMAC was formally established as an 'Agent' RNTBC in 2011, as agreed by resolution of the collective Eastern Maar Native Title Holders at the same time positive Native Title consent determination was recognised for an area of land commonly referred to as PART B, consisting of 40 Km<sup>2</sup> and broadly located between Dunkeld and Yambuk. Part B is a shared area alongside Gunditj Miring Traditional Owners Aboriginal Corporation

and in 2013 both groups were appointed as joint Registered Aboriginal Parties for the area.

In February 2020, EMAC was accorded RAP status for an extended land area comprising of approximately 17,880 km<sup>2</sup> encompassing Port Fairy to west of Anglesea and extending inland to include the Great Otway National Park and the townships of Warrnambool, Terang, Mortlake, Camperdown, Colac, Apollo Bay, Lorne and Cressy

EMAC is governed by a 12-member Board – each member represents a defined family grouping which is linked to a referenced ancestor who occupied territory at the time of European settlement. Up to 60% of our 12-member board is represented by proud Eastern Maar women, some of whom are senior Elders and applicants of our Native Title claim. We are proud to operate as a society that has a unique decision-making structure – one which is committed to collectivism and inclusion, and which values common goals over individual pursuits.

*"It has been a very busy and rewarding year for the Eastern Maar Aboriginal Corporation. We have a lot going on, across a number of fields, particularly in working towards achieving Native Title recognition. It was great to be accorded Recognised Aboriginal Party status for an*

*extended land area across our ancestral estate during the reporting period. This recognition has effectively elevated our voice and rightful standing on the protection and management of cultural heritage places, objects and landscapes on our traditional lands and sea Country. With the dramatic increase in land mass, we are looking at streamlining and future-proofing our expanding RAP operations to service the increased RAP area. It is heartening and affirming to see our expansion and know that the work we are doing directly benefits our People. We are extremely proud of the work we have carried out with respect to cultural and environmental heritage. This work is broad and varied. It involves partnering with various stakeholders to ensure the repatriation of our Ancestors; the preservation of various sites, middens and artefacts and the successful negotiations with governments to ensure major construction projects do not threaten sacred aspects of our history and landscape."*

Marcus Clarke, CEO



## FIRST PEOPLE OF THE MILLEWA-MALLEE ABORIGINAL CORPORATION



149 Deakin Avenue, Mildura, Victoria 3500  
PO BOX 10382, Mildura VIC 3500  
Ph: (03) 4014 9780  
contactus@fpmmac.com.au  
www.fpmmac.com.au

The First People of the Millewa-Mallee Aboriginal Corporation (FPMMAC) represents the Latji Latji and Ngintait Traditional Owners of the Millewa Mallee lands in the far north-west of Victoria. As a Traditional Owner Corporation, we seek to represent the interests and well-being of our members and community. Country, Culture and People are our guiding principles, as we seek to provide Indigenous employment opportunities in caring and healing our traditional lands and waterways. Recognised as the RAP for an area of 7,870km<sup>2</sup>, the Corporation covers 3.31% of Victoria.

Having gained RAP status in December 2018, we have spent the past eighteen months developing our organisational and operational capacity. Throughout the 2019/2020 year we have seen a significant increase in cultural heritage engagement, resulting in stronger relationships with both government and non-government partnerships. We are especially pleased with our Ponnun Pulgi (Resting Places): Healing Country Together program.

This is a cooperative reburial initiative between FPMMAC traditional owners, Parks Victoria and People and Parks Foundation, and is funded by two Victoria based philanthropic groups. Over the past eighteen months this program has achieved unprecedented outcomes and the development of new techniques to protect our ancestral burial sites and cultural heritage. We are now working towards the next stage as a five-year program, in order to greatly expand upon our work to protect our culture and country.

We also continue to provide expert advice on matters relating to the management of Aboriginal cultural heritage and develop closer working partnerships with relevant stakeholders, such as government agencies, local government authorities, business & industry, private landowners, developers and the general community.

*“Over the past year we have gone ahead in leaps and bounds. We have expanded our cultural heritage activities, undertaken extensive RAP works, developed close working partnerships with land and water management authorities and employed key staff within our corporation. Looking forward we are working on our bigger picture, as we seek more contracts to employ more of our people within our nursery and land rehabilitation, cultural fire management, our fish environment program and upcoming social justice programs.”*

*Uncle Norm Tinawin Wilson, Chairperson*



## GUNAIKURNAI LAND AND WATERS ABORIGINAL CORPORATION



27 Scriveners Road (Forestec)  
Kalimna West VIC 3909  
(03) 5152 5100  
reception@glawac.com.au  
www.gunaikurnai.org

The Corporation represents the Traditional Owners of Gippsland, the five clans of Gunaikurnai - Brabalung, Brabraulung, Brayakaulung, Krauatungalung and Tatungalung. We are recognised as the Traditional Owners over approx. 1.33 million hectares including 200m of offshore territory (an area of 25,770km<sup>2</sup>). Our country spans from Warragul in the west to the Snowy River in the east, and from the Great Divide in the north to the coast in the south, 10.85% of Victoria.

Through Gunaikurnai Land and Waters Aboriginal Corporation's (GLaWAC) MOU with the Monash University Indigenous Studies Centre, several rock shelters in East Gippsland have been comprehensively investigated. These studies have

resulted in a greater understanding of Gunaikurnai use of these areas and have also produced several academic papers. GLaWAC is looking to have greater involvement in all Cultural, archaeological or anthropological research undertaken across the Settlement Area. This includes increasing GLaWAC's capacity to contribute to or indeed lead these research activities and ensuring that important Cultural and historical information is shared with the Gunaikurnai community.

GLAWAC is committed to strengthening its relationships with 13 Gippsland Environmental Agencies (GEA) as part of the GLaWAC-GEA Partnership. The partnership is fostering positive relationships with Traditional Owners and Aboriginal communities across the land and waters of the region and supporting economic development opportunities.

GLaWAC continues to explore the future of fire on Gunaikurnai Country, including the re-introduction of Cultural burning and giving Gunaikurnai people the opportunity to practice culture. Understanding the role of fire in a Cultural landscape through pollen coring and historical vegetation, along with the stories and experience of Gunaikurnai Elders will be used to determine a path for GLaWAC to facilitate this re-introduction into the future.

*"Our aim is to map and investigate cultural places using archaeology and palaeoecology to fill in details of our cultural story. Identifying evidence of animal and plant remnants can tell us about who was around over a long period of time; it helps to tell the broader story of the changing environmental landscape over many thousands of years."*

*Russell Mullett, RAP Manager*

*"We are committed to walking together to share strengths, build opportunities and develop closer working relationships across agencies and the region"*

*Daniel Miller, General Manager On-Country*



## GUNDITJ MIRRORING TRADITIONAL OWNERS ABORIGINAL CORPORATION



4/48 Edgar Street, Heywood VIC 3304  
(03) 5527 1427  
reception@gunditjmirring.com  
www.gunditjmirring.com

The Corporation represents the Gunditjmara people of south western Victoria and holds culturally significant properties across Gunditjmara country on behalf of the Gunditjmara community. It promotes and realises the continuing connection to country by Gunditjmara people through its caring for country programs and projects across its properties and all of Gunditjmara country. Recognised as the RAP for an area of 13,924km<sup>2</sup>, the Corporation covers 5.86% of Victoria.

After many successful achievements in 2019, 2020 started with a fire which revealed additional heritage sites in the Budj Bim Cultural Landscape, previously concealed under vegetation and part of an ancient aquaculture system built by our People to harvest eels.

Earlier this year, we partnered with Field & Game Australia to develop and deploy a hunting educational project for Gunditjmara youth, getting them back into country and providing the skills and knowledge to live and hunt on their land.

The Gunditj Mirroring Keeping Place and Business Centre is complete. The new building will be the main office for Gunditj Mirroring, and a place for Cultural Heritage objects.

*“The fire uncovered a system, including a channel about 25 metres in length, that we hadn’t noticed before.”*

*Denis Rose, Project Manager*

*“There is a big emotional feeling attached to the area and the [Keeping Place] building, I know it means so much and it’s a real milestone for the local indigenous community.”*

*Darryl McBeth, Site Supervisor*



## TAUNGURUNG LAND AND WATERS COUNCIL ABORIGINAL CORPORATION



37 High Street, Broadford VIC 3658  
(03) 5784 1433  
enquiries@taungurung.com.au  
www.taungurung.com.au

The Corporation represents the interests of the clans of the Taungurung — Benbendore-balluk, Buthera-balluk, Gunung-Yellam, Leuk-willam, Moomoomgoonbeet, Nattarak-balluk, Ngurai-illam-balluk, Nira-balluk, Tenbringnellams, Walledridders, Waring-illam-balluk, Warrinillum, Yaran-illam, Yirun-illam-balluk, and Yowung-illam-balluk. Recognised as the RAP for an area of 20,215km<sup>2</sup>, the Corporation covers 8.51% of Victoria.

This year we have been working to increase our local government authorities' knowledge and understanding of responsibilities and processes in the Aboriginal Heritage Act 2006 and corresponding regulations. A large piece of work has been investigating planning permit approvals which have been deemed not to require a CHMP based on alleged significant ground disturbance in areas of cultural heritage sensitivity. This work aims to assist local government authorities in mitigating their risk of causing harm to cultural heritages, provides more accountability for Heritage Advisors, and ensures Traditional Owners are appropriately consulted regarding works on Country.

We have been working in close collaboration with our key stakeholders running a series of forums local government authorities, catchment management authorities and land managers. Ultimately, these quarterly collective forums are educational; but they also allow us to streamline our engagement and create better joint processes.

We've been undertaking capacity and community building work running cultural camps and broadening our community engagement in State government policy through a series of

community consultations. Campaspe Shire Council have also worked closely with us and other Traditional Owners to develop new Council Policy, 'Recognising Traditional Owners'. The Policy will promote community awareness of Traditional Owner responsibilities and broad cultural awareness. We're also broadening our investment horizons with the signing of our first renewable energy partnership with the DELWP Hume Region and Indigo Power. This flagship project saw the installation of 50 solar panels on the DELWP Broadford office. As well as delivering clean renewable energy, it is delivering ongoing financial return.

*"Maintaining strong relationships with our partners ensures we are able to collaborate with positivity and create meaningful outcomes."*

*Matthew Burns, CEO*





## WADAWURRUNG TRADITIONAL OWNERS ABORIGINAL CORPORATION



99 Mair St East, Ballarat VIC 3350 – (03) 4308 0420  
86 Mercer St, Geelong VIC 3320 – (03) 5222 5889  
reception@wadawurrung.org.au  
www.wadawurrung.org.au

The Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC) proudly strives to strongly represent Wadawurrung People in their continued rights, authorities and continuing connections as the recognised Traditional Owners for their vast area of Country.

Some of the key achievements by WTOAC during the 2019/2020 financial year include continued development of the Wadawurrung Healthy Country Plan (due for completion late 2020); successful trial of a Cultural Walk Tour in partnership with the Great Ocean Road Coast Committee, which was a finalist in Reconciliation Victoria's 2020 HART (Helping Achieve Reconciliation Together) Awards; purchase of a 54 hectare property alongside Bostock Reservoir from Barwon Water and being the first RAP to exercise Section 48 of the Aboriginal Heritage Act and also achieve the first registration of Intangible Heritage.

*“As a Registered Aboriginal Party, Wadawurrung Traditional Owners Aboriginal Corporation works to support their aspirations and protect Aboriginal Cultural Heritage in accordance with the Victorian Aboriginal Heritage Act 2006. Given the billions of dollars of State-strategic infrastructure and other development underway and on the drawing board across Wadawurrung Country, it is vital that the Corporation is well equipped to diligently and proficiently meet the significant external expectations and demands whilst maintaining cultural obligations and satisfying the needs and wants of Wadawurrung Traditional Owners.”*

*Paul Davis, CEO*



Image: Steve Penton, Yarra Ranges National Park, 2017

## WURUNDJERI WOI-WURRUNG CULTURAL HERITAGE ABORIGINAL CORPORATION

1 St Heliers St,  
The Abbotsford Convent,  
Abbotsford VIC 3067  
(03) 9416 2905  
reception@wurundjeri.com.au  
www.wurundjeri.com.au



The Wurundjeri Woi-wurrung Aboriginal Cultural Heritage Aboriginal Corporation is a Registered Aboriginal Part appointed under the Aboriginal Heritage Act 2006 (the Act) that holds statutory responsibilities for the protection and management of Aboriginal cultural heritage places and objects; other functions of the Corporation include water governance, the provision cross cultural training and events, cultural heritage and land management services. Recognised as the RAP for an area of 6,107km<sup>2</sup>, the Corporation covers 2.57% of Victoria.

Over the period of 2019/2020 the Corporation has seen considerable growth and diversification of activities despite coronavirus (COVID-19) pandemic related challenges. This has included the commencement and continuation of a number of projects across the various units of the business.

Since late 2019, the Corporation has been involved in an agreement-making project with Bunurong Land Council Aboriginal Corporation. The area subject to negotiation consists of the area immediately south of Wurundjeri Corporation's RAP area. A series of joint negotiation meetings have taken place and the findings of a joint research project are in the process of being reviewed.

CHMP and CHP evaluation remain the core focus of The Cultural Heritage Unit. The Division also remains active across a range of other projects including mapping exercises on The Stony Rises Project in the Merri Creek Catchment area and The Sunbury Cultural Landscape Research Project.

Water governance activity and initiatives have continued to take place on Wurundjeri Woi-wurrung homelands. The Bulleen-Banyule Flats Cultural Values Pilot Study set out to document the cultural significance associated with the Bulleen Banyule Flats stretch of the Birrarung. The findings determined that the area is a cultural landscape shaped and constructed through Wurundjeri Woi-wurrung occupation, land management, social structures and belief systems. This study provided the basis for recommendations to DELWP for the protection of Wurundjeri Woi-wurrung cultural values in urban planning processes.

Despite coronavirus (COVID-19) Stage 3 Stay at Home restrictions, community engagement activity continues through the delivery of cultural consultations, events, education and special projects. In line with public health advice and in the interest of community safety these services have shifted to a digital delivery mode.

As operations continue to expand across the various areas of the organisation, it is hoped a successful application to the Aboriginal Community Infrastructure Program will support the development of Cultural Centre at the Wurundjeri Corporation Galena Beek, Healesville. It is anticipated that an outcome of the application will be known in early 2021.

*"As a Director, I feel proud of the work Wurundjeri Woi wurrung Corporation is doing. A core purpose of the Corporation is the protection, preservation, and revitalisation of Wurundjeri Woi wurrung culture and cultural practices as well as the opportunity to express culture in new ways. Another purpose of the Corporation is to be active in the governance of Wurundjeri woi wurrung Country, including working with the state and its agents to achieve this goal."*

*Aunty Alice Kolasa Elder/Director*





Left image: CSIRO, Barmah Forest wetland, 2018

Right image: Michael Rawle, High Water Mark, Barmah National Park, 2014

## YORTA YORTA NATION ABORIGINAL CORPORATION




2-8 Schier Street, Barmah VIC 3639  
(03) 5869 3336  
56B Wyndham Street, Shepparton VIC 3630  
(03) 5832 0222  
reception@yynac.com.au  
www.yynac.com.au

The Yorta Yorta Nation Aboriginal Corporation (YYNAC) represents peoples with undeniable bloodlines to the Original Ancestors of the Land of the Yorta Yorta Nation. These bloodlines link Yorta Yorta peoples' past, present and future to one another, with traditional laws, customs, beliefs and sovereignty intact. Recognised as the RAP for an area of 13,199km<sup>2</sup>, the Corporation covers 5.56% of Victoria.

YYNAC has undertaken a land and conservation plan for Ghow (Kow) Swamp. It is a recorded place in Yorta Yorta country and is of high significance in the landscape from the history of use of our people; the plan will help with future management of the swamp.

We have been working on a joint management plan for Barmah National Park through the Yorta Yorta Traditional Owner Land Management Board which was finalised in June 2020 and will be great outcome as it brings positions to the park and input to the management of Barmah National Park.

There have been numerous projects across country with the major one in being the Echuca Moama bridge which started in 2016. The project is at stage three in the major part of two river crossings, and we're working closely with the main contractor and Major Roads Projects Victoria.



*“What we can take out of this year is that our People and Country are resilient. We continue to be true to who we are and what our Ancestors created in this world – our sites, our stories and our dance. The good news is that we will be here in another 100,000 years, we can guarantee it - it’s in our DNA.”*

*Rodney Carter, Chairperson*



Image: Cazz, Milky Way, Murray Sunset National Park, 2018,  
First People of the Millewa-Malleee Country

