



VICTORIAN
ABORIGINAL
HERITAGE
COUNCIL



ANNUAL REPORT

Victorian Aboriginal Heritage Council

FOR THE PERIODS

1 July 2021 - 30 June 2022

1 July 2022 - 30 June 2023

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 Owners of Country throughout Victoria and pay our respect to them, their Culture and their Elders past, present and future.

All artwork used in this report is sourced from The Torch. Since 2011 The Torch has been providing art, cultural and arts industry support to Indigenous offenders and ex-offenders in Victoria through its Indigenous Arts in Prisons and Community program. In 2021 The Torch worked with 390 offenders in prisons across Victoria and 220 ex-offenders in the community. The artworks produced through the program are available for sale and 100% of the artwork sale price goes to the artist. For more information please go to <https://thetorch.org.au/>



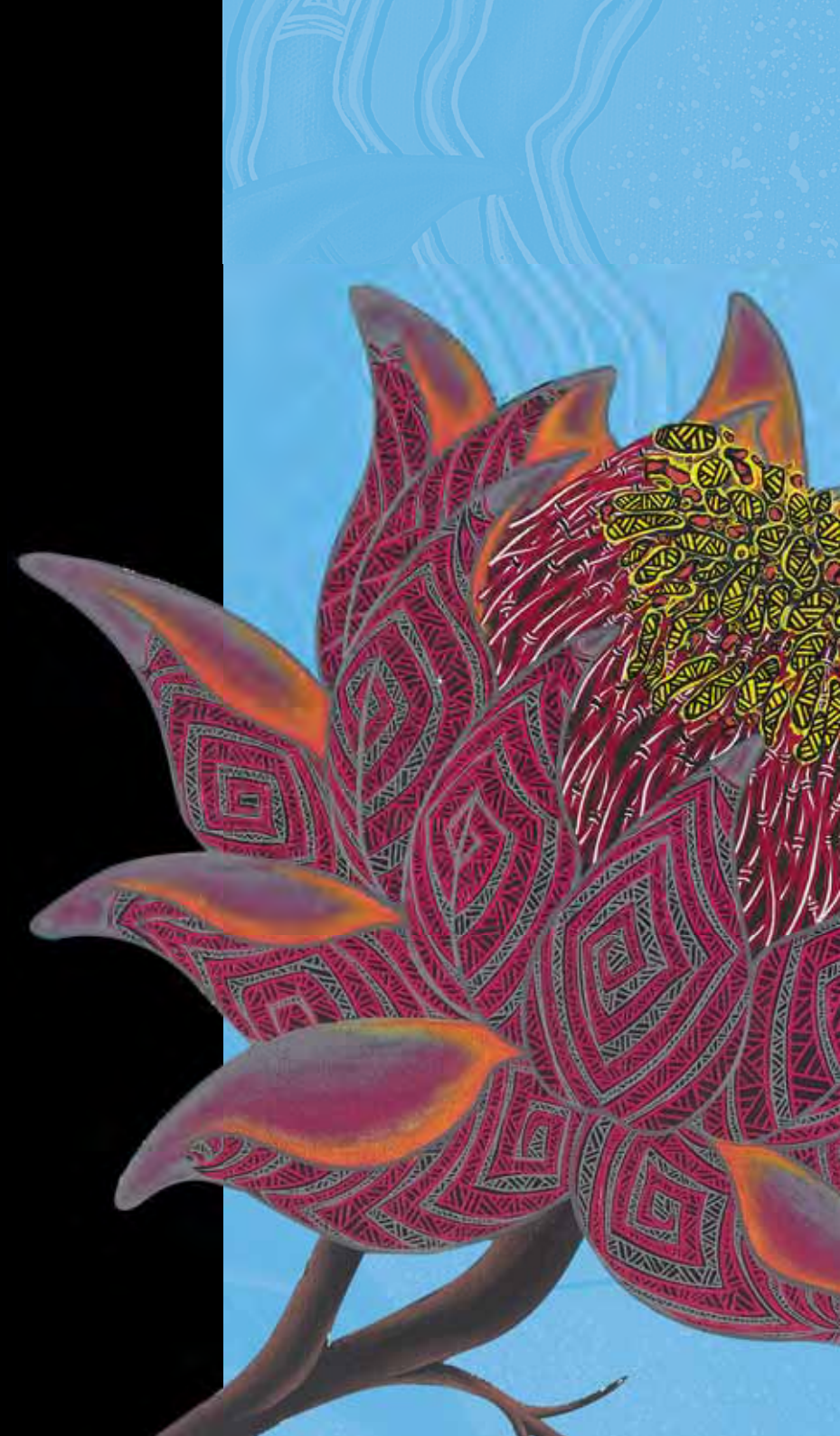
Council's logo of four shields is our commitment to supporting, respecting and celebrating our Country, Culture and Life.

The shields in Council's logo celebrate our Countries:

- gold for desert sands and dry Country
- green for forests and grasslands
- blue for waters, rivers and lakes
- purple for the metropolitan regions as well as the basaltic and volcanic plains.

Front Cover: Ash Thomas (Yorta Yorta/Wiradjuri) 'A New World' 2022, acrylic on canvas

This painting is about the beauty my Ancestors saw when their world first saw light – just one of the beautiful things our mother spirit has given us along with our beautiful Country that is full of culture and stories passed down through the years' - A Thomas



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CHAIRPERSON'S INTRODUCTION



DENISE LOVETT
Chairperson

Our People have continued to go from strength to strength over the last two years, following the impacts of the COVID-19 pandemic.

During these difficult times, our People continued to take strength from their Culture and their community, and have continued to show great strength. We can all learn from a Culture that has lived here, in this place now called Victoria, for many tens of thousands of generations.

The Victorian Aboriginal Heritage Council (Council) continues to work 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.

The work of Council is vital to ensuring Traditional Owners manage their Country and Culture. Self-determination is at the core of any decision making. As a council of Traditional Owners, the decisions we make and the work we do is sometimes difficult, but we keep Culture and respect in our hearts and minds. The knowledge and expertise of our members are assets to the collective, which help to move the Victorian community towards a place of understanding and respect for Victoria's Aboriginal cultural heritage.

This annual report covers the past two reporting periods and reflects on Council's important work, the challenges and the people who have helped us get a few more steps closer to that vision.

Taking Control of Our Heritage: Indigenous Cultural Heritage Conference 2021

On 27 and 29 October 2021, the Council partnered with the National Native Title Council, and the University of Melbourne to deliver 'Taking Control of Our Heritage: Indigenous cultural heritage conference 2021'. This online event was a huge success, attended by over 560 people. The conference reinforced Council's central role in advancing cultural heritage protections and management by Traditional Owners at a national and international level.

Legislative Reform

In late 2021, the Council released *Taking Control of Our Heritage - Recommendations for Reform of the Aboriginal Heritage Act 2006 – Realising self-determined ownership of our Culture, Heritage, History and Country – October 2021*. This followed comprehensive community engagement and a rigorous review of submissions. Taking Control of Our Heritage introduced 24 proposals for reforming the *Aboriginal Heritage Act 2006* (Vic) (the Act). Council's ambition for the proposals was for Victoria's cultural heritage legislation to set a benchmark at both national and international levels.

State of Victoria's Aboriginal Cultural Heritage (SoVACH) report

On 9 June 2022, I met with the former Minister for Treaty and First Peoples, Minister Williams, to personally table the very first SoVACH report. The report was produced by Council in collaboration with Dr Terri Jenke and staff. Further information on our first SoVACH report can be read later in this report in 'Ben-ge-ro-gan-mil – Council's independent and authoritative voice' section of the report (see page 26). Taking Control of our Heritage and the SoVACH report will help inform the discussion around any future reforms to the Act.

Dhawura Ngilan

In response to *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*, the Council has sought to identify specific actions, relevant to their role and functions under the Act. Identified actions support the return of Ancestral Remains to Aboriginal communities, within Victoria and interstate, and for national jurisdictions to work together to recognise, protect and celebrate the significance of sites and stories that cross borders.

While Victoria's cultural heritage legislation is among (if not) the most progressive in the country, Council has work to do in addressing Dhawura Ngilan. Council's actions primarily relate to the return of Ancestors provenanced to Victoria that are currently held interstate. As with all Ancestors in Victoria, returned Ancestors are housed in Council's fit-for-purpose facility within the Museums Victoria complex in Carlton, until they can be returned to the rightful Traditional Owners. Council will also seek to initiate an engagement and education campaign to inform Victorian auction houses and antique dealers of their obligation to report and return Secret or Sacred Objects in their collection or catalogue.

Yoorrook Justice Commission

At Council's meeting with the Yoorrook Justice Commission in November 2021, it was identified that the appropriate way for Council to engage with the Commission was through one of the Commission's lines of inquiry. Subsequent to the meeting, then Council Chair Mick Harding wrote to the Commission Chair, Professor Eleanor Bourke, recommending two possible lines of inquiry: the repatriation of Aboriginal Ancestral Remains and the history of the management and destruction of tangible Aboriginal cultural heritage. Council is presently responding to a wide-reaching Notice to Produce from the Commission as part of its land injustice line of inquiry. Council looks forward to continuing its work with the Commission.

Council will continue its important work supporting Traditional Owners across Victoria, through their representative and inclusive corporations, and will continue to strive for a greater understanding of cultural heritage through strengthened legislation and accountability from those working within the Act.



THE VICTORIAN ABORIGINAL HERITAGE COUNCIL



Rodney Carter

1 September 2018
– 31 August 2024

(Chairperson until
29 July 2021)



Bonnie Chew

1 September 2018
– 31 August 2021



Denise Lovett

(Chairperson)
29 November 2021
– 28 November 2024
(Chairperson 23 March
2022 – Current)



Kenny Stewart

1 September 2018
– 7 February 2022



Mick (Michael) Harding

24 June 2020
– 9 February 2022
(Chairperson 29 July 2021
– 9 February 2022)
(Deputy Chairperson
5 March 2021 – 29 July 2021)



Liz Allen

24 June 2020 – 24 June
2023 (Acting Chairperson
9 February 2022
– 23 March 2022)
(Deputy Chairperson
29 July 2021 –
9 February 2022)



Dr Doris Paton

24 June 2020
– 3 February 2023



Dan Turnbull

24 June 2020
– 9 March 2022



Raylene Harradine

29 November 2021
– 23 September 2022



Monica Morgan

29 November 2021
– 28 November 2024



Russell Mullett

29 November 2021
– 28 November 2024



John Austin

10 October 2022
– 23 January 2024



Jason Briggs

10 October 2022
– 9 October 2025




Melinda Kennedy

10 October 2022
– 9 October 2025



Nick Stewart

10 October 2022
– 9 October 2025



'I RECENTLY FOUND OUT I HAVE STRONGER TIES TO
DJA DJA WURRUNG COUNTRY. MY PAINTING STYLE IS
COMPLEX, MUCH LIKE MY JOURNEY BACK TO COUNTRY
AND CULTURE. I SEE THE MANY REPRESENTATIONS OF
MY FAMILY CONTINUALLY GROWING'.

— R GRAY

STATUTORY FUNCTIONS

Council plays an important role in the implementation of the Act.

Council's principal functions are:

Making decisions on Registered Aboriginal Party (RAP) applications

Since its establishment in 2006, Council has appointed 12 Registered Aboriginal Parties (RAPs). Currently, there are 11 RAPs operating in Victoria which collectively cover 75% of the State. RAPs are organisations that hold decision-making responsibilities for protecting Aboriginal cultural heritage in a specified geographical area.

Monitoring RAPs

Council is responsible for overseeing and supervising the operations of RAPs. Council adopts a collaborative approach to this function, together with RAPs. Council receives financial reporting from the RAPs and engages in ongoing dialogue about the effectiveness of the RAP system through RAP Forums. RAPs also sit on Council's four decision-making committees. Council also maintains a complaints mechanism for making complaints against RAPs to ensure the integrity and accountability of the system.

Returning Ancestors to Country

Council is the central coordinating body responsible for Ancestral Remains in Victoria. All decision making in fulfillment of this responsibility is actioned through Council's Ancestral Remains Advisory Committee. This highly-sensitive work is more than caring for and returning Ancestors to their rightful owners, and extends to strengthening protections for Aboriginal burial places and delivering better support to Traditional Owners through the repatriation process.

Secret or Sacred Objects in Victoria

Council is responsible for the care of Secret or Sacred Objects (SSO) before they are returned to their Traditional Owners. Council provides interim care for SSO and ultimately supports Traditional Owners to manage and retain their cultural heritage.

Managing the Aboriginal Cultural Heritage Fund (Fund)

Council is responsible for managing the Fund for a number of legislated purposes that support the protection of cultural heritage, research about cultural heritage and the public's awareness of cultural heritage. Council will soon finalise an agreement with the Department of Premier and Cabinet to enhance its access to the Fund.

Measures to promote understanding and awareness

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

VAHC STRATEGIC PLAN 2021-2026

At their July 2021 meeting, Council approved their Strategic Plan 2021-2026. The contents of this document serve as a primary guiding principle for all work undertaken by Council. This year's Annual Report has been structured in a way which mirrors the plan and outlines how Council is meeting its strategic objectives as outlined in the plan.

'LAKE DIREL, MY GRANDFATHER'S
COUNTRY, FROM THE AIR'.
— R WIRRAMANDA



BENGERO BENGERO

SUPPORTED AND STRENGTHENED RAPs

A fundamental responsibility of Council is to determine applications to become a Registered Aboriginal Party (RAP). Council also receives requests to vary the boundaries of appointed RAPs.

At 30 June 2023, Council had appointed twelve RAPs (with one since de-registered) which collectively cover 75% of the state.

The 11 RAPs are:

.....
Barengi Gadjin Land Council Aboriginal Corporation

.....
Bunurong Land Council Aboriginal Corporation
(under Special Administration)

.....
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
(under Special Administration).
.....

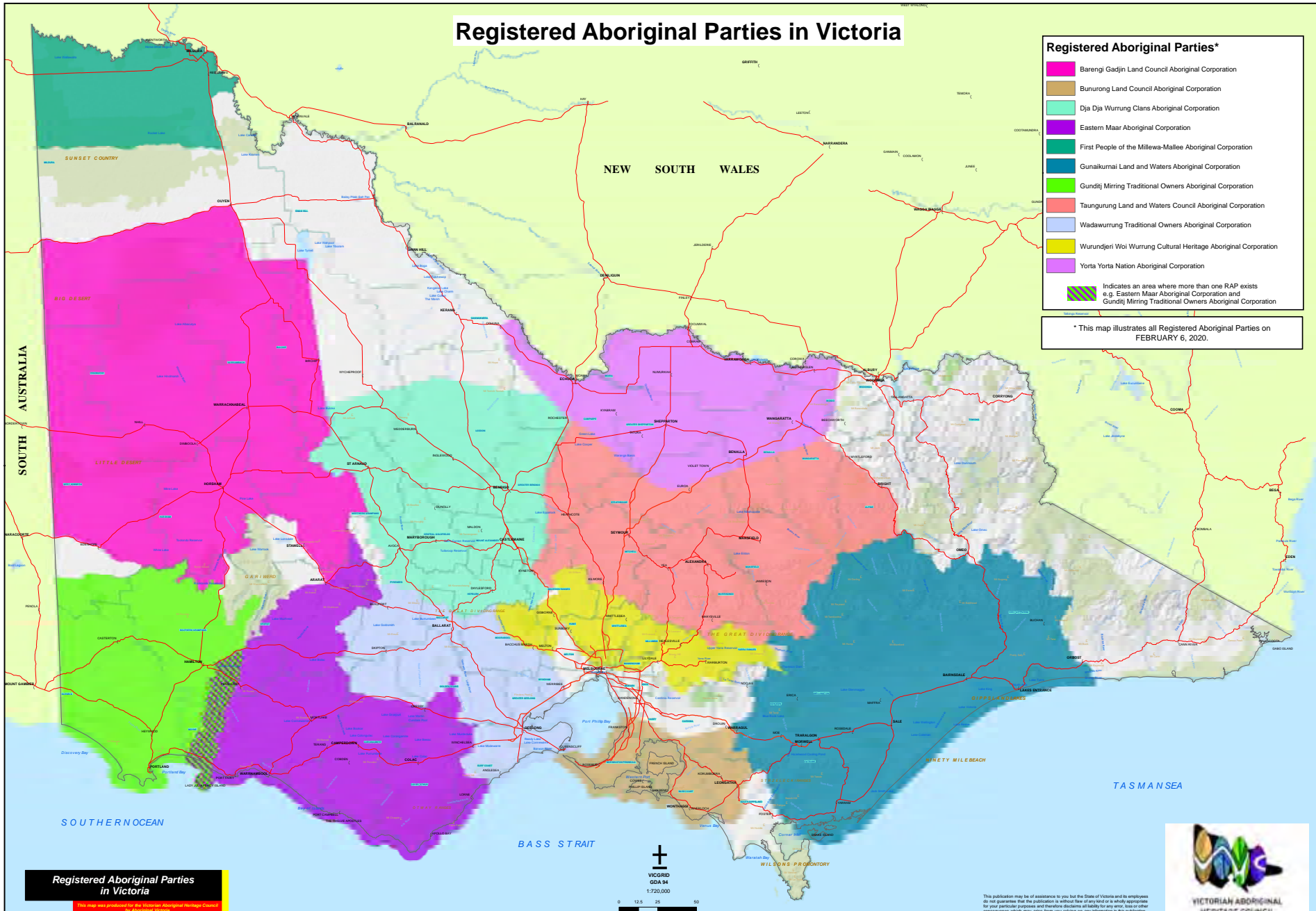
COUNCIL NOTICES

- A RAP application was received on 29 July 2021 by the Bangerang Aboriginal Corporation. This application was declined by Council on 3 February 2022.
- A RAP Application was received on 1 May 2023 by the Wamba Wemba Aboriginal Corporation. This application has been publicly notified and is currently under consideration by Council.
- A section 155 boundary variation request was received by Council on 21 July 2021 by Dja Dja Wurrung Clans Aboriginal Corporation.
- A section 155 boundary variation request was received by Council on 27 October 2021 by Wadawurrung Traditional Owners Aboriginal Corporation.
- A section 155 boundary variation request was received by Council on 31 August 2021 by Taungurung Land and Waters Council 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
 - Wurundjri 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

* This map illustrates all Registered Aboriginal Parties on FEBRUARY 6, 2020.



Registered Aboriginal Parties in Victoria
This map was produced for the Victorian Aboriginal Heritage Council

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without error or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other.



COUNCIL DECISIONS

Bunurong and Wurundjeri Boundary Variations

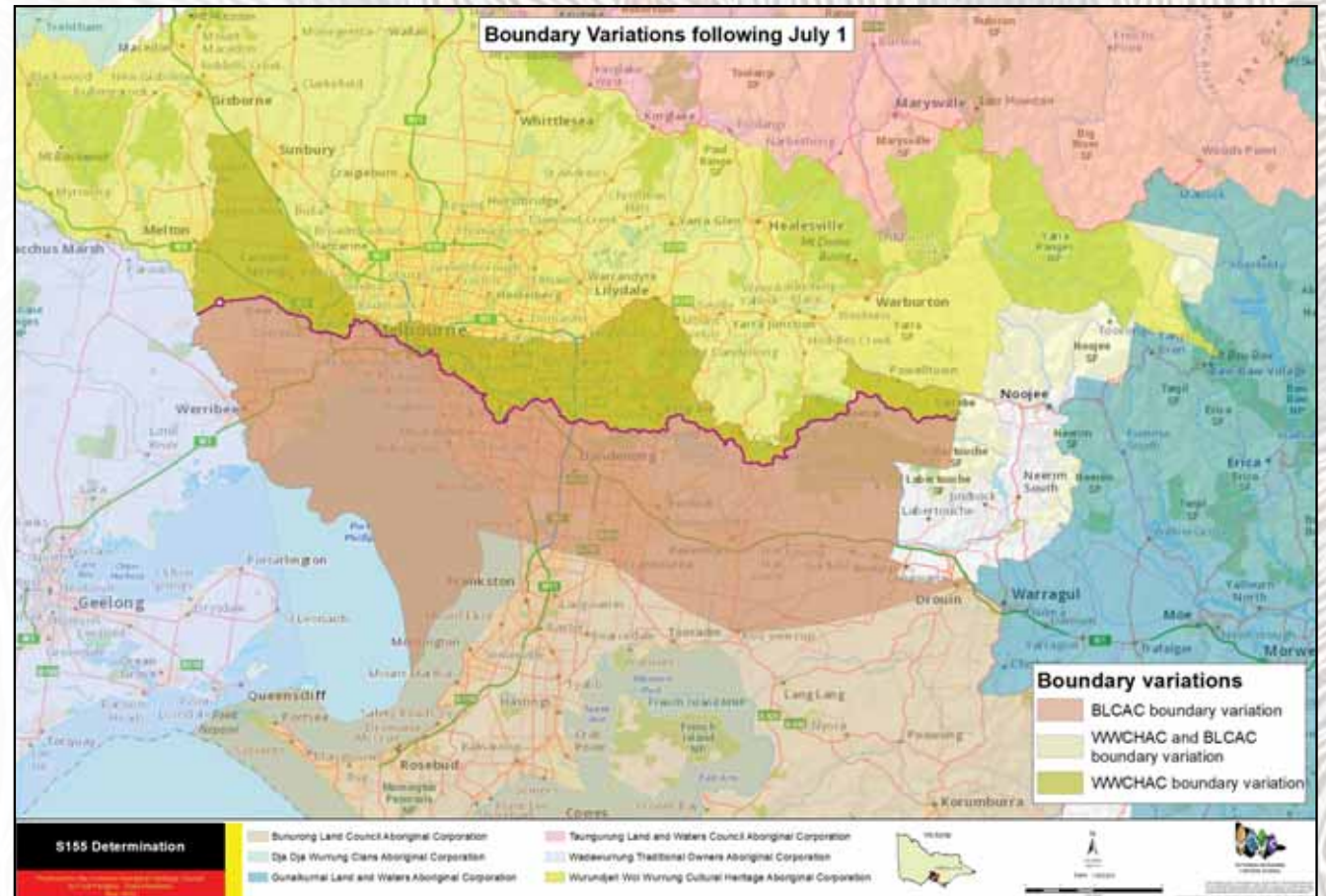
On 1 July 2021 variations to the boundaries of the RAP areas of Bunurong Land Council Aboriginal Corporation and Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation came into effect. This significant event in the history of Melbourne and surrounding suburbs was marked by an event held at Melbourne Town Hall. The variations meant that 24 municipalities, including Melbourne City Council, had a RAP that would be the single approval body for all Cultural Heritage Management Plans (CHMPs) and Cultural Heritage Permit (CHPs) undertaken in their areas. These RAPs would also serve to be the primary source of information and guidance for all matters relating to Aboriginal cultural heritage in their areas.

COUNCIL'S SUPPORT FOR RAPs

Council, as a statutory authority under the Act, is responsible for a variety of functions including overseeing the work and operational functionality of the RAPs. In addition to this work, Council periodically issues policy and guidelines in support of its work and the work of RAPs.

Whilst undertaking this work, Council receives reports from RAPs and advocates on a variety of issues including:

- Camping on Crown water frontages
- Heritage Advisor conduct
- Public land managers actions and initiatives.





'I HAD A VISION AND I PAINTED WHAT I SAW.'
– DYLAN B

WODUYULLUL

OUR PEOPLES' RESPONSIBILITIES TO OUR ANCESTORS

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

Care for Ancestors

When Council takes custodianship of Ancestral Remains or Secret or Sacred Objects, a confidential case file is opened. Currently, Council has approximately 2,000 cases for Ancestral Remains and each of these cases may include more than one individual. Most cases in Council's care are those transferred from Museums Victoria on the commencement of the amendments to the Act in 2016.

Council has opened 33 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.

Repatriation

Each case must be appropriately investigated so that Ancestors can be returned to the correct Traditional Owners. While many Ancestors do have known provenance, both within Victoria and interstate, some do not. The time required for research to accurately provenance and ultimately repatriate varies greatly. Council's Ancestral Remains Unit continues to work with communities in researching cases. During this reporting period Council has furthered the work of ten repatriations to Victorian Traditional Owners.

Secret or Sacred Objects

Council continues to support the empowerment of Traditional Owners as the owners of Secret or Sacred Objects. During the reporting period, Council has taken 15 Secret or Sacred Objects into its custody and is working to repatriate these to their Traditional Owners. Two Secret or Sacred Objects have been returned to Traditional Ownership in this reporting period.



Donald Thomson. Source: Public Domain

University of Melbourne and the Donald Thomson Collection

Throughout this reporting period, Council has continued their collaborative relationship with the University of Melbourne (UoM). The scope and purpose of this collaboration is defined by a Memorandum of Understanding (MOU) that was signed in October 2022. The MOU defines the collaborative relationship between Council and UoM, as it relates to repatriation of objects in the university's care and Ancestors in Council's care that were once part of the Donald Thomson Collection (the Collection). The Collection includes a vast array of plant and mineral samples, photographs and extensive notes as well as Aboriginal cultural material. The original Collection was amassed by the work of Donald Thomson in the early 20th century during his time in the Cape York region and Arnhem Land. UoM has undertaken extensive engagement with affected Traditional Owners and Council has received and approved two repatriation requests.



Right: The Goose Hunters of the Arafura Swamp (1937), photo by Donald Thomson, showing Ramingining men on the Arafura Swamp. Source: Public Domain



'THIS REPRESENTS MY COUNTRY AND LIFE JOURNEY
– WITH MANY DIFFICULT PATHWAYS TO CHOOSE FROM.
THE ECHO LINE WORK REPRESENTS MY MEMORY
AND EXPERIENCES'.
– STEPHEN N

Returning our Ancestors

Central to Council's educative work is a focus on the return and repatriation of Ancestors. In March 2020, Council was pleased to complete its documentary film, *Returning our Ancestors*, a major communication activity for both the Traditional Owner and broader Victorian communities. The film's launch was a much-anticipated event and was included as part of Council's Indigenous Cultural Heritage Conference in October 2021.

The film explores how Aboriginal Peoples' burial places have been desecrated in the name of curiosity, science and research. Ancestors were 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 progress in the return of Ancestors, the journey is by no means complete and many of our Ancestors are yet to come home. The film asks everyone in the community to walk together in undertaking this essential work.

The documentary has been viewed many times on Council's website and Vimeo site, and has been incorporated into inductions delivered by Council to new starters within First Peoples-State Relations in the Department of Premier and Cabinet.

In 2022 Council approved the implementation of a program of repatriation. The program seeks to uphold the key principles of the Act, support Council's strategic objectives as they relate to Ancestral Remains and Secret or Sacred Objects and relevant Council policies and guidelines. The program seeks to repatriate Ancestral Remains provenanced to within RAP areas as a priority, followed by Ancestors provenanced to non-RAP areas, then other jurisdictions. The program considers the cultural importance and relationship building required with both Traditional Owner Groups and Registered Aboriginal Parties to support and facilitate the return of their Ancestors. Concurrently, Council will further the repatriation of Ancestral Remains that were once part of the Donald Thomson Collection.



**'IN THE EVENING I WALK IN THE YARD WITH MY
SISTER GIRL ... IT'S A TIME FOR REFLECTION'.**

- S EDWARDS



GANBO

OUR PEOPLES' MANAGING THEIR CULTURAL HERITAGE

LIVING CULTURE GRANTS PROGRAM

These projects supported Traditional Owners in undertaking their responsibilities for Country. They provided a space for Traditional Owners to talk about why it is important to protect cultural heritage and discuss how it is managed on Country. This grants program is no longer active, but will be re-launched pending access to the Aboriginal Cultural Heritage Fund.

Kromelak Culturally Modified Trees Project

In November 2021 Council approved a grant application from Wotjobaluk Traditional Owners to undertake the Kromelak Culturally Modified Trees Project. The project sought to date Culturally Modified Trees (CMT) and included a data collection and sampling process on Country. The project also sought to provide training opportunities for Traditional Owners to learn about scientific dating methods and the extraction of core samples from CMTs by a dendrochronologist. This information will be collectively analysed with the lead researcher to explore Wotjobaluk Traditional Owners' engagement with the surrounding landscape. The project seeks to encourage the broader public to view CMTs as more than just isolated examples of past Aboriginal cultural practices, but part of a wider, integrated cultural landscape that continues to be actively managed by Victorian Traditional Owners.

Wamba Wamba Ancestors' Recovery

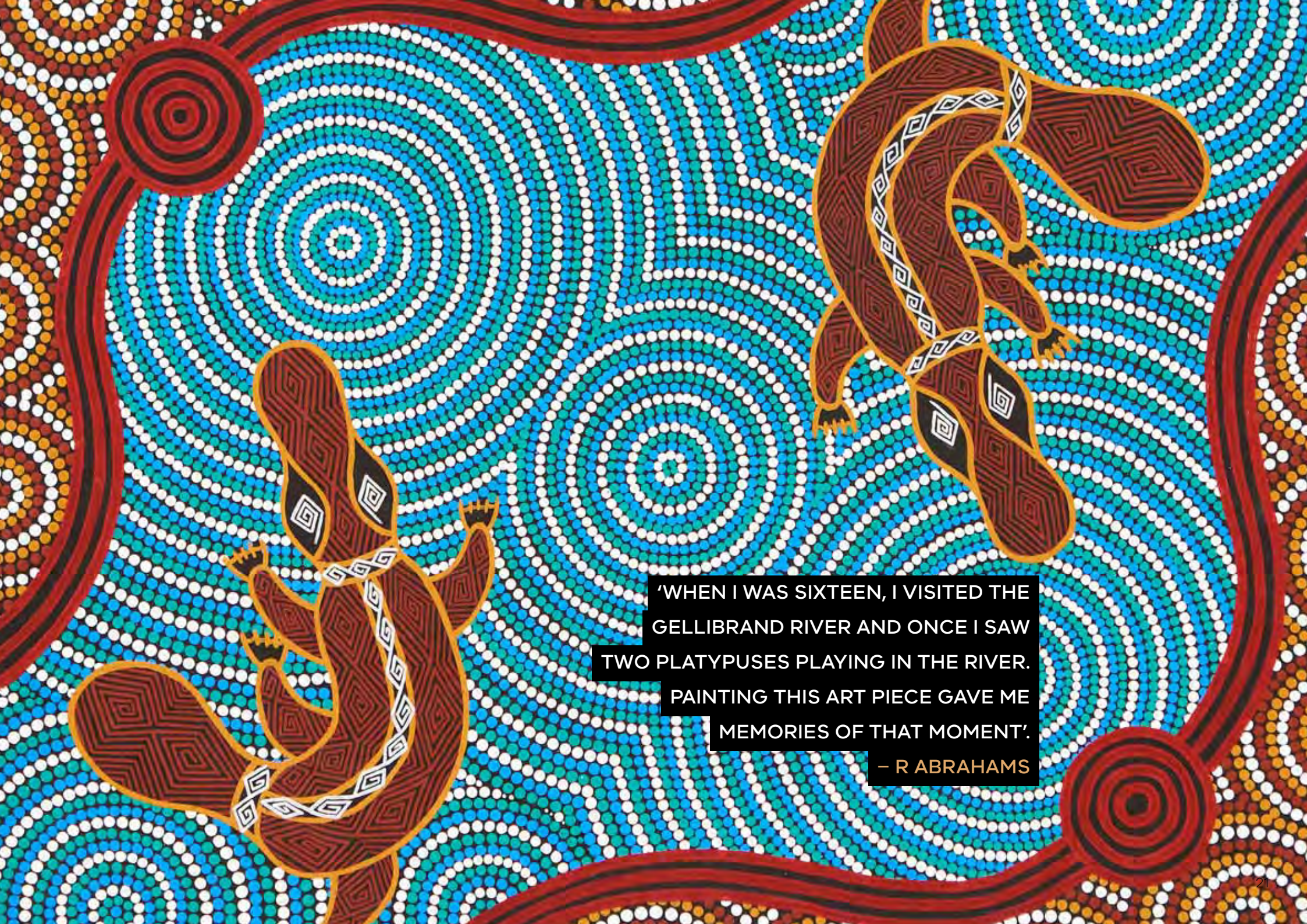
In February 2022 Council approved three grant applications from the Wamba Wamba Aboriginal Corporation (now Wamba Wamba Aboriginal Corporation) for the purpose of recovering Ancestral Remains from sand that had been illegally mined from a site within New South Wales and transported across the border. The project included recovery works in three separate locations performed by community members and staff of Council's Ancestral Remains Unit. The operation included a significant in-kind contribution by Mr Adam Deane of Archaeological Excavations. Mr Deane and his crew donated the use of the necessary machinery, staff and expertise to assist the Wamba Wamba community and Council to remedy this confronting situation.

Taking Control of Our Heritage

This project explores the legislation that governs Aboriginal cultural heritage and advocates for the best international standards for protection and management.

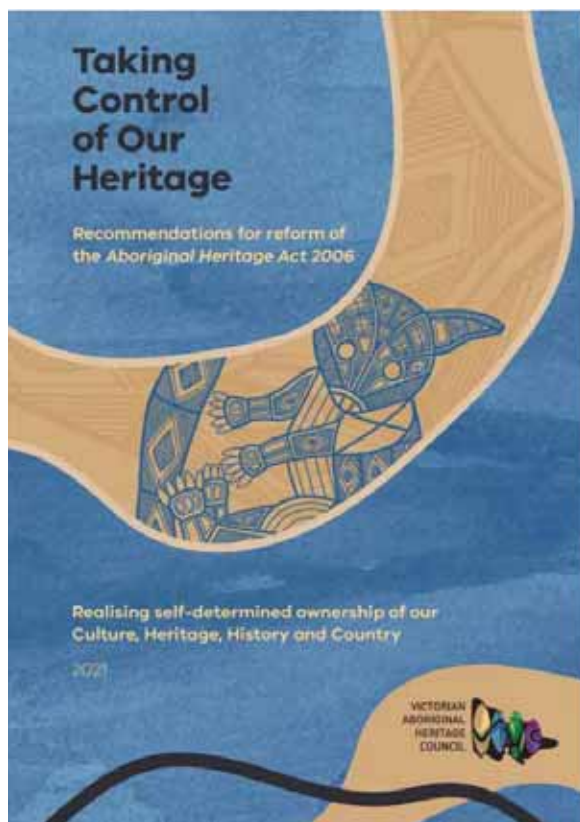
Following the publication of the proposals in May 2021, the suite of revised reforms was released in October 2021. The final report was released five years after the 2016 amendments to the Act, and 15 years after the Act came into existence.

Council's ambition for the recommendations was to incorporate best practice standards into Victoria's legislation, setting a benchmark at both national and international levels.



'WHEN I WAS SIXTEEN, I VISITED THE
GELLIBRAND RIVER AND ONCE I SAW
TWO PLATYPUSES PLAYING IN THE RIVER.
PAINTING THIS ART PIECE GAVE ME
MEMORIES OF THAT MOMENT'.

– R ABRAHAMS



Recommendations for Reform of the Aboriginal Heritage Act 2006 – October 2021

Taking Control of Our Heritage: Indigenous Cultural Heritage Conference 2021

The Conference was co-hosted on 27 and 29 October 2021 with the National Native Title Council and University of Melbourne; and sponsored by then Department of Environment, Land, Water and Planning (DELWP). Due to COVID-19 restrictions, the conference was an online event. Attended by 567 individuals, it reinforced Council's central role in advancing cultural heritage protections and management by Traditional Owners at a national and international level.

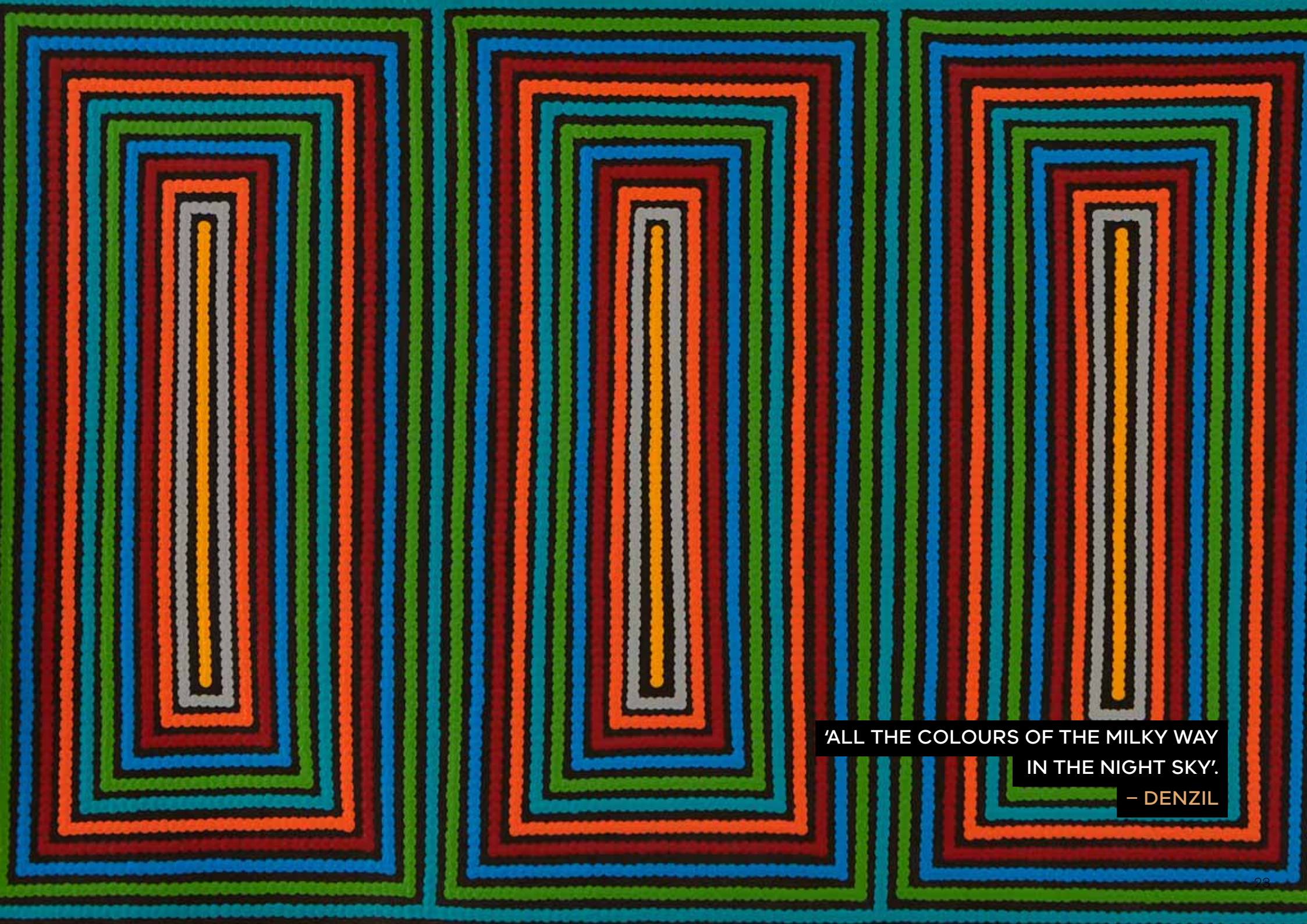
Event organisers KCreative and onAir provided an externally managed platform that accommodated the 1,051 registrations, 567 attendees and up to 277 simultaneous viewers. It provided for the three streams of programming, green rooms so presenters could speak before and after the panel discussions, the 'chat' capacity for presenters whilst live, a Q&A function for the audience and an exhibition hub to house resources from sponsor and partner organisations.

RAP Connect

RAP Connect was initially borne from the limitations that arose during the first phase of the COVID-19 pandemic, and remained an important feature in Council's calendar for some time beyond this. During this reporting period, RAP Connect was an important meeting point for Council, RAP staff and members, and external stakeholders to share information and raise matters of importance.

RAP Connect provided an integral interface between Council and RAPs with many issues of concern being ventilated in this forum. Some of the issues discussed were government's management of the camping on Crown water frontages initiative, Parks Victoria's plan to establish a panel of cultural heritage advisors, and issues faced by RAPs in meeting the expectations placed upon them as a result of industry demands brought about by the Big Build.

RAP Forums have now returned as in-person events. RAP Forums offer deep and extensive engagement between RAPs and government agencies. Council has participated in and presented at each forum in the reporting period, held in Moama, Melbourne and Mildura.



'ALL THE COLOURS OF THE MILKY WAY
IN THE NIGHT SKY'.

– DENZIL



BEN-GE-RO-GAN-MIL

COUNCIL'S INDEPENDENT AND AUTHORITATIVE VOICE

COUNCIL'S RELATIONSHIP WITH GOVERNMENT

Council members are leaders in their communities with responsibilities to Culture and community wellbeing. Council therefore has both a community and statutory responsibility to advocate for cultural heritage protection.

As a full Council, or through representation of the Chair or Deputy Chair, Council has met with the Minister for Treaty and First Peoples, formerly the Hon. Gabrielle Williams, three times during the reporting period. Council has an advisory relationship with the Minister, ensuring that the Victorian Government enacts its commitment to self-determination in hearing the voice of Traditional Owners. Ministerial meetings are an important part of Council's advocacy for a cultural heritage system that is sensitive to 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 agencies and portfolios.

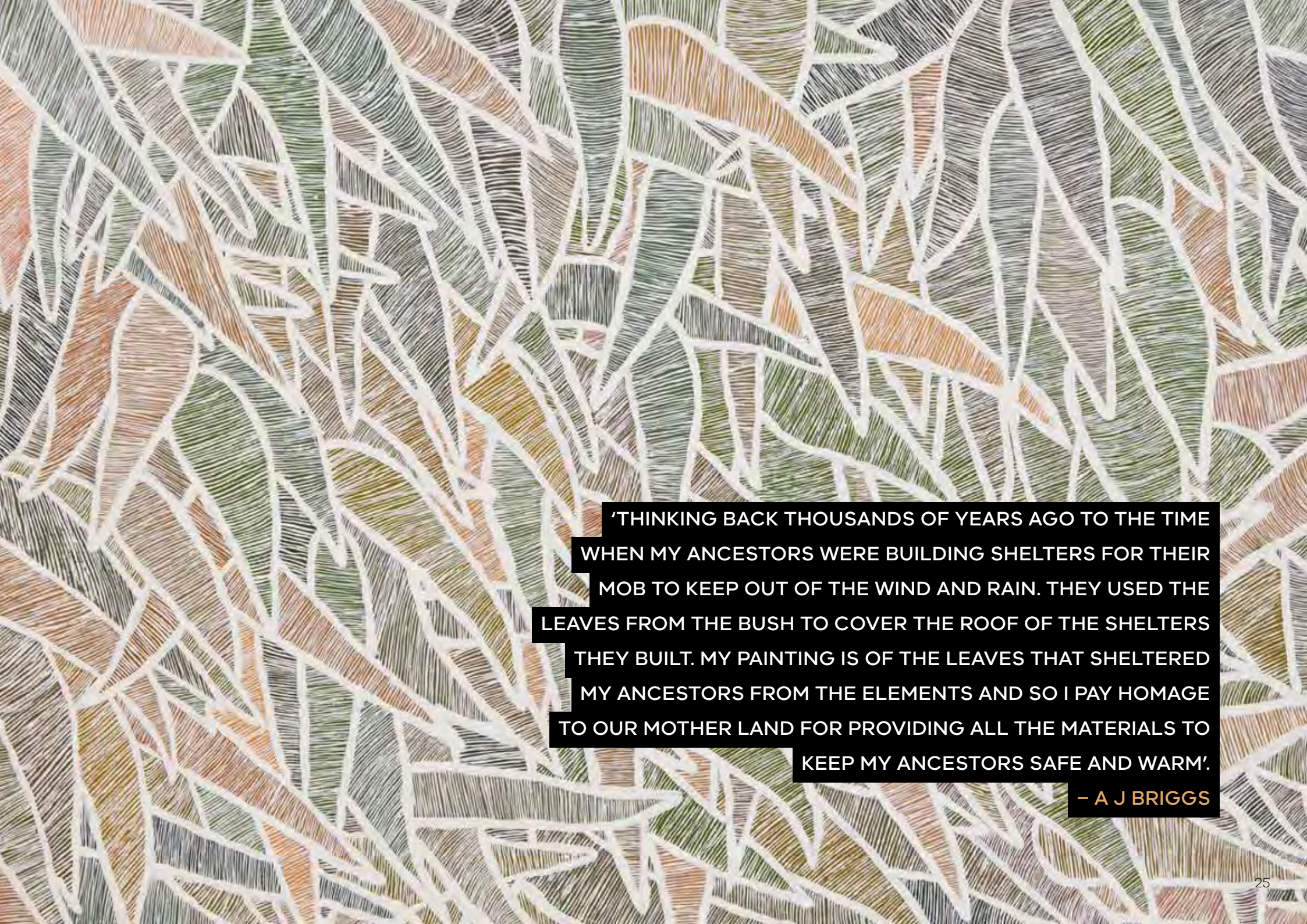
The VAHC advocated to the Minister on a number of issues of concern including:

- Council's position on proposed minor and technical amendments to the Act
- Ministerial Guidelines and Code of Conduct for Heritage Advisors
- Traditional Owner perspectives on camping on Crown water frontages
- measures to strengthen the Minister's processes for making protection declarations over places or objects
- the appointment of Authorised Officers under the Act.

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 has been the legislative responsibility of Council since 2016, however this has not been given effect.

Appointment of Authorised and Aboriginal Heritage Officers

Council is responsible for advising the Minister on the training and appointment of Authorised Officers (AOs) and Aboriginal Heritage Officers (AHOs). The officers enforce the Act, have responsibility for Cultural Heritage Audits, and assess compliance with Cultural Heritage Management Plans and Permits. During this reporting period, Council provided the Minister with advice on the appointment of nine AHOs and six AOs.



'THINKING BACK THOUSANDS OF YEARS AGO TO THE TIME WHEN MY ANCESTORS WERE BUILDING SHELTERS FOR THEIR MOB TO KEEP OUT OF THE WIND AND RAIN. THEY USED THE LEAVES FROM THE BUSH TO COVER THE ROOF OF THE SHELTERS THEY BUILT. MY PAINTING IS OF THE LEAVES THAT SHELTERED MY ANCESTORS FROM THE ELEMENTS AND SO I PAY HOMAGE TO OUR MOTHER LAND FOR PROVIDING ALL THE MATERIALS TO KEEP MY ANCESTORS SAFE AND WARM.'

– A J BRIGGS

Statutory Functions

Council provided advice or made recommendations to the Minister for Treaty and First Peoples relating to:

- measures to establish appropriate standards for the Minister's Guidelines for the appointment of Heritage Advisors and a Heritage Advisor Code of Conduct.
- minor and technical amendments to the Act. The amendments were halted except for one significant amendment. The amendment ensures RAPs continue to perform their RAP functions while under special administration. Specifically, the amendment clarifies that being placed under administration under section 156(2)(b) of the Act does not include special administration under Part 11-2 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 Act* (Cth).
- measures to elevate the Minister's engagement with Council related to the appointment of Authorised Officers. Council is seeking to be engaged earlier and in a more meaningful way in these appointments.
- pursuant to section 66A of the Act, Council approved two Cultural Heritage Management Plans where the Sponsor was a Registered Aboriginal Party.

- pursuant to section 146(2)(b) of the Act, Council considered two applications for access to the Register by persons not listed at section 146 of the Act.

State of Victoria's Aboriginal Cultural Heritage Report

Following the 2016 amendments to the Act, Council gained a new responsibility. Every five years Council must provide the Minister with its State of Victoria's Aboriginal Cultural Heritage (SoVACH) report.

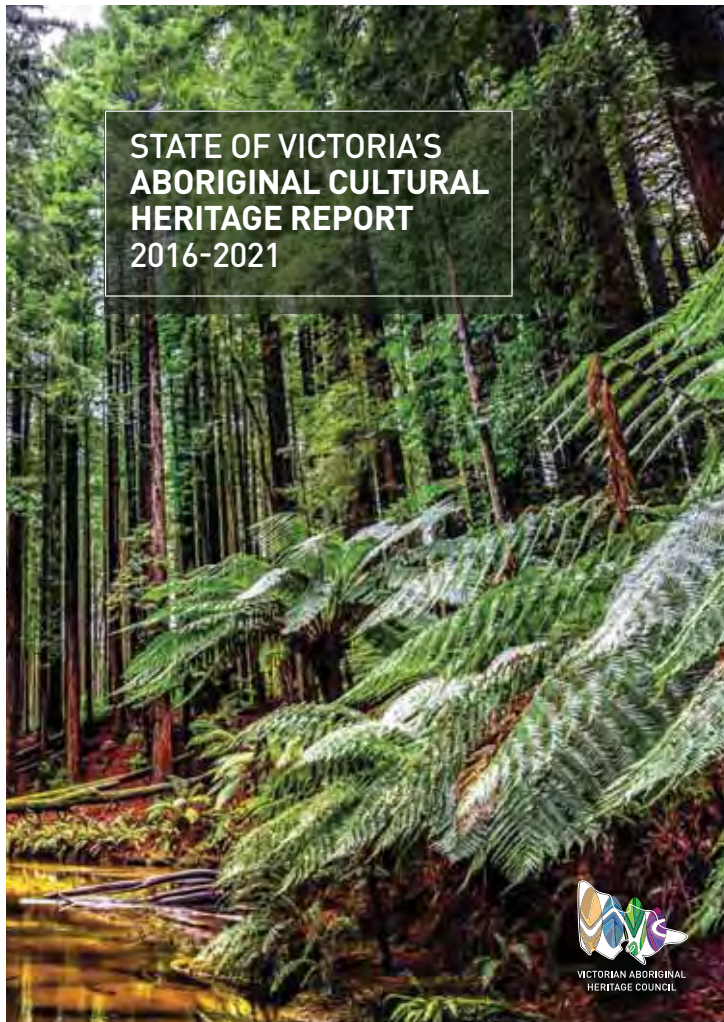
On 9 June 2022 the current Chair met with then Minister for Treaty and First Peoples to personally table the very first SoVACH report. The report was prepared by Council in collaboration with Dr Terri Jenke and staff. Dr Jenke is also co-author of the 2021 Federal State of the Environment Report, which was released on 19 July 2022.

SoVACH addresses the state of cultural heritage in Victoria through a holistic lens, and does not limit itself to addressing matters within the Act. The report includes significant commentary from Victorian Traditional Owners in an honest, compelling and thought-provoking way. This commentary is primarily the product of the extensive consultation undertaken by Dr Jenke and her team with RAPs, Council members and Office of the Victorian Aboriginal Heritage Council staff.

A significant aspect of this consultation was the in-person workshop. Dr Jenke and her team also made themselves available for one-on-one sessions with the staff and members of RAPs.

It was important to Council that an independent assessment of the state of Victoria's cultural heritage was undertaken, ensuring transparency and best practice research, consultation and analysis. Dr Jenke is a Wuthathi/Meriam woman and an international authority on Indigenous Cultural and Intellectual Property.

As members of Aboriginal Victoria, descendants of the Ancestors, and members of a statutory authority, Council felt a profound responsibility to speak frankly in this report.



This report gives a frank evaluation of where we are, acknowledges that we live in a society impacted by the past, and charts a new course forward. **Council's vision is of a place where language is spoken easily, Traditional Owners are respected, Countries are cared for appropriately and Cultures are proudly lived by all our Peoples.**

"barimbanganak barim gurrkanganak wukinangatjaniyn"

Council will continue to strive to reshape the landscape in which Aboriginal cultural heritage exists, is managed and is experienced by Traditional Owners and the wider Victorian community. It is essential to our wellbeing and our right as Aboriginal Peoples that we engage with Culture and Country in a meaningful and respectful way. From reading this report, we know that this is feasible. However, there are fundamental shifts that first need to happen in the legislative, policy and broader community.

In assessing where we are now, the community has developed a vision for a future Victoria as a place where:

- Aboriginal cultural heritage has no barriers
- Aboriginal cultural heritage is holistic
- Aboriginal cultural heritage is Aboriginal-led and decisions are made by Aboriginal people
- Aboriginal cultural heritage supports economic prosperity
- Aboriginal cultural heritage is better understood and respected by all Victorians.

To realise this vision, 30 recommendations have been made. We hope that, when we next report on the state of Victoria's Aboriginal cultural heritage in 2026, we will see that great progress has been made. We must work together to realise this vision.

Mick Harding
Chairperson (2021 - 2022)

SoVACH report is separated into three parts:

Part 1: Looks at the ways Aboriginal peoples connect with and practice Culture. Aboriginal cultural heritage is a living practice and all expressions of Culture are interconnected.

Part 2: Looks at how Aboriginal peoples are currently asserting their rights to practice Culture. This part also considers how effective Victoria's policies and management actions are in enabling Aboriginal Cultural connections and practice.

This assessment provides a snapshot of the current state of Victoria's Aboriginal cultural heritage. Each Section within Part 2 engages with an overarching theme that emerged during consultations. Case studies provide actual examples of enablers and stressors to Aboriginal control and practice of Culture.

Part 3: The Victorian Aboriginal Heritage Council invited those responding to this Part of the report to engage in blue sky thinking.

The report necessarily engages in detailed analysis of the responses provided, as well as the legal and policy architecture that represents the Victorian Government's current approach to Aboriginal cultural heritage management.

The report is available to read and download on Council's website: <https://www.aboriginalheritagecouncil.vic.gov.au/state-victorias-aboriginal-cultural-heritage-report>

Section 61 matters

Section 61 of the Act plays an integral role in a RAPs decision to approve or decline a CHMP. Essentially section 61 speaks to the considerations that a RAP must make as to whether the activity will be conducted in a way that avoids harm to Aboriginal cultural heritage, and if it does not appear possible that harm can be avoided, whether the activity will be conducted in a way that minimises harm to Aboriginal cultural heritage. If harm cannot be avoided, the Sponsor of the CHMP must adhere to all harm minimising measures, called management conditions, included in the CHMP. If a RAP believes these conditions do not adequately address these matters, they can refuse the CHMP.

In the preparation of Council's October 2021 document 'Taking Control of Our Heritage – Recommendations for Reform of the Aboriginal Heritage Act 2006', Council undertook extensive consultation with RAPs and sought feedback specifically on their experience, perspective, beliefs and concerns regarding their powers under section 61. The feedback received by Council had a particular theme. The RAPs message was clear. RAPs can refuse to approve a CHMP if they do not believe it adequately addresses section 61 matters, but, what they are concerned about is what happens following that refusal to approve.

Pursuant to section 116 of the Act, if a RAP refuses to approve a CHMP, a Sponsor may apply to VCAT for a review of this decision. It is this action and the likely associated costs, particularly if the outcome was to overturn a RAPs decision, where apprehension to test the system becomes apparent. First Peoples-State Relations has prepared a guidance note on the matter, but RAPs continue to find the provision convoluted and uncertain. The RAPs have also called on the Victorian Government to provide clear guidance on their eligibility for insurance to protect them from, or ease the burden of, legal costs. Council too awaits this information.

Juukan Gorge

In May 2020, a sacred rock shelter in the Pilbara region of Western Australia was legally destroyed by mining company Rio Tinto. The destruction of Juukan Gorge was a shocking and sad event. The rock shelter had been continuously occupied for 46,000 years and was located on the traditional lands of the Puutu Kunti Kurrama and Pinikura people. The impacts were felt far and wide.

In response to this shocking event, the Australian Government referred an 'Inquiry into the destruction of 46,000 year old caves at the Juukan Gorge in the Pilbara region of Western Australia' to the Joint Standing Committee on Northern Australia. A report was published in December 2020. Public forums were held in Canberra throughout July and August 2021. The inquiry also called for submissions to which Council replied. Council's submission to the inquiry can be found on its website.



'THIS IS A STORY ABOUT LAND ENTITLEMENT.

**THE BLACK REPRESENTS MY PEOPLE;
WE ARE A MINORITY. THE WHITE DOTS ARE NON-INDIGENOUS
PEOPLE AND THE COLOURED SECTIONS REPRESENT
MULTI-CULTURAL AUSTRALIA.'**

- X



PENDURONG

COMMUNITY UNDERSTANDING OF OUR CULTURAL HERITAGE

Public Awareness

A longstanding 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 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

Council has a number of Advisory Committees to assist it manage its obligations under the Act. These include the:

- Ancestral Remains Advisory Committee
- Cultural Heritage Management Plans and Permits Advisory Committee
- Secret or Sacred Objects Advisory Committee
- Victorian Aboriginal Heritage Register Advisory Committee

New direction in developing relationships with RAPs

For the first time, Council has sought RAP membership to its Advisory Committees.

Working Groups

Council has also worked closely with the Heritage Council of Victoria on a Joint Working Group.

Reference/Steering Groups and Committees

Council is also a part of a number of reference and steering groups including the:

- Heritage Chairs and Officials of Australia and New Zealand
- Right People for Country Steering Group
- Certificate IV in Aboriginal Cultural Heritage Management
- University of Melbourne Aboriginal and Torres Strait Islander Cultural Heritage Oversight Committee.

Strategic Plan 2021-2026

In late 2021, Council launched its five year strategic plan, detailing its vision for Aboriginal cultural heritage management in Victoria. 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 Cultures, and has developed a strategic plan centred on this core principle.

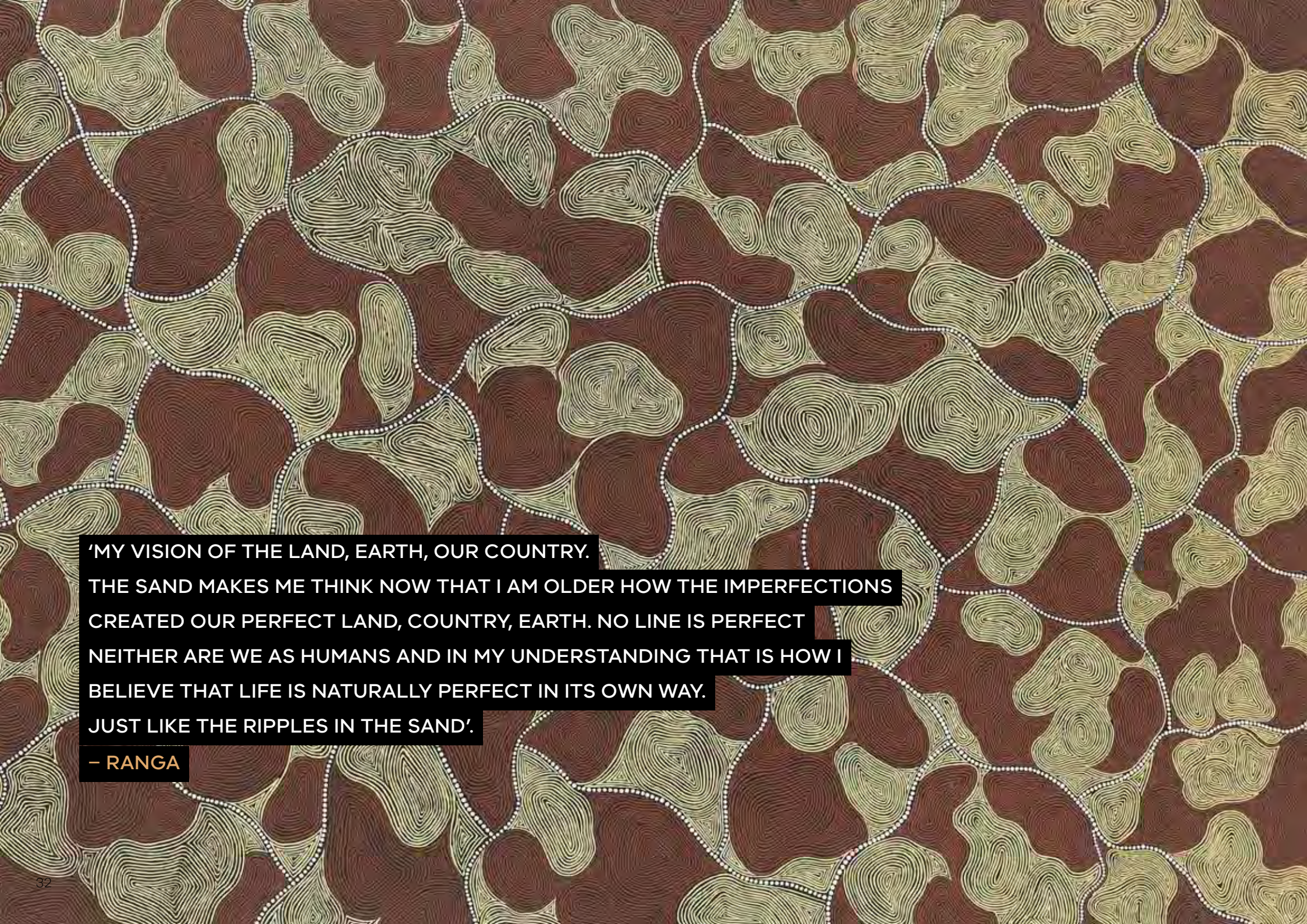
Government engagement with Traditional Owners

Government's engagement with Traditional Owners takes many forms at a local, statewide and national level. Since early 2020, Council and the Office of the Victorian Aboriginal Heritage Council have actively engaged with RAPs through the RAP Connect forum. RAP Connect was initially a response to the pandemic that continued through to November 2022. Once RAPs were able to meet again in person, RAPs have been able to reconnect through their regular RAP Forums. RAP Connect provided a forum where RAPs could raise issues, many of which were shared by other RAPs. Specific matters raised and addressed include the Victorian Murray Floodplain Restoration Project and the Victorian Government's plan to permit overnight camping on Crown water frontages. A key outcome of Council's engagement with Traditional Owners was the release of State of Victoria's Aboriginal Cultural Heritage 2016-2021. This frank and comprehensive report can be found on Council's website.

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

In response to Dhawura Ngilan, the Council has implemented several projects, relevant to its role and function under the Act. Identified actions include the return of Ancestral Remains, held in collecting institutions, to Aboriginal communities and for Australian jurisdictions to work more collaboratively towards international and interstate repatriations as well as cross-border management of Ancestral Remains.





'MY VISION OF THE LAND, EARTH, OUR COUNTRY.
THE SAND MAKES ME THINK NOW THAT I AM OLDER HOW THE IMPERFECTIONS
CREATED OUR PERFECT LAND, COUNTRY, EARTH. NO LINE IS PERFECT
NEITHER ARE WE AS HUMANS AND IN MY UNDERSTANDING THAT IS HOW I
BELIEVE THAT LIFE IS NATURALLY PERFECT IN ITS OWN WAY.
JUST LIKE THE RIPPLES IN THE SAND.'

– RANGA

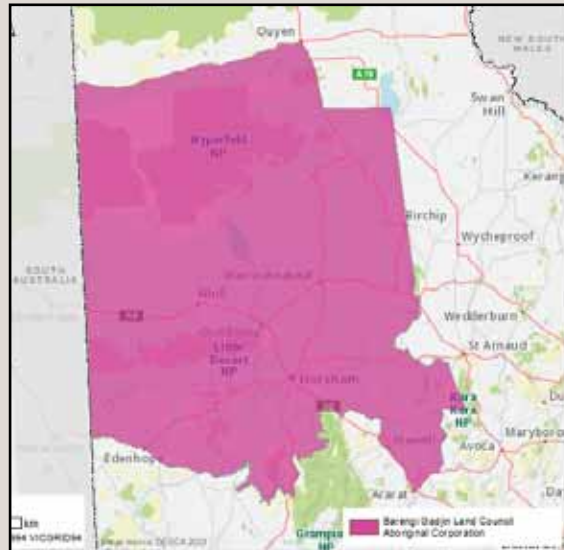
VICTORIA'S REGISTERED ABORIGINAL PARTIES

BARENGI GADJIN LAND COUNCIL ABORIGINAL CORPORATION



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

The Barengi Gadjin Land Council Aboriginal Corporation 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.



BUNURONG LAND COUNCIL ABORIGINAL CORPORATION



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

The Bunurong Land Council Aboriginal Corporation is the RAP for the Mornington Peninsula, Westernport and part of South-West Gippsland. Bunurong Land Council Aboriginal Corporation is the RAP for an area of 8,172km², covering 3.44% of Victoria.



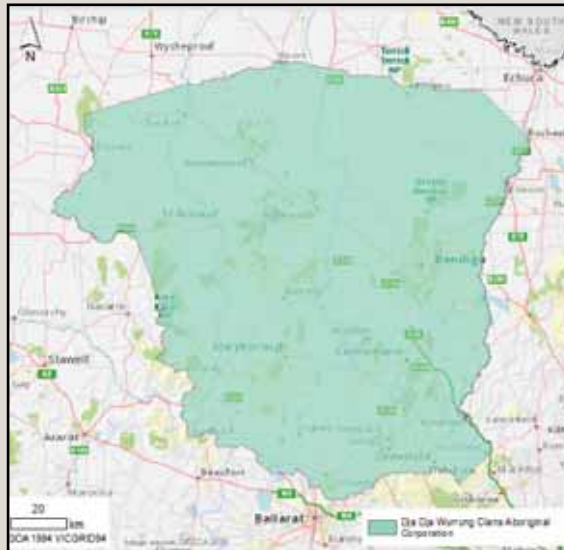
VICTORIA'S REGISTERED ABORIGINAL PARTIES

DJAARA (DJA DJA WURRUNG CLANS ABORIGINAL CORPORATION)

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



Djaara are the recognised RAP for an area of 17,369km² in the north and centre of the state, comprising 7.32% of Victoria.



EASTERN MAAR ABORIGINAL CORPORATION

PO BOX 546, Warrnambool VIC 3280
 T 0427 271 937
 admin@easternmaar.com.au
 www.easternmaar.com.au



Eastern Maar Aboriginal Corporation is the RAP for 19,177km² in the southwest of the state, covering 8.08% of Victoria. Eastern Maar is a name adopted by the people who identify as Maar, Eastern Gunditjmara, Tjap Wurrung, Peek Whurrung, Kirrae Whurrung, Kuurn Kopan Noot and/or Yarro waetch (Tooram Tribe) amongst others.

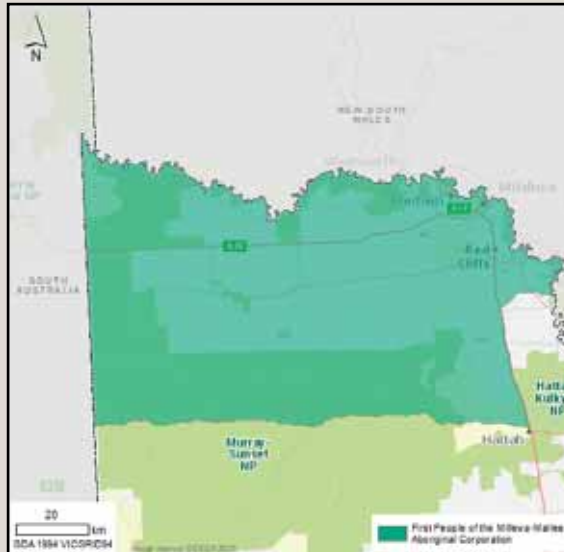


FIRST PEOPLE OF THE MILLEWA-MALLEE ABORIGINAL CORPORATION

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



First People of the Millewa-Mallee Aboriginal Corporation is the RAP for an area of 7,870km² in the northwest of the state, covering 3.31% of Victoria.



GUNAIKURNAI LAND AND WATERS ABORIGINAL CORPORATION

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



Gunaikurnai Land and Waters Aboriginal Corporation represents the Traditional Owners of Gippsland, the five clans of Gunaikurnai - Brabalung, Brabraulung, Brayakaulung, Krauatungalung and Tatungalung. They are recognised as the Traditional Owners over approx. 1.33 million hectares including 200m of offshore territory (an area of 25,770km²), covering 10.85% of Victoria.



VICTORIA'S REGISTERED ABORIGINAL PARTIES

GUNDITJ MIRRING TRADITIONAL OWNERS ABORIGINAL CORPORATION

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



The Gunditj Mirring Traditional Owners Aboriginal Corporation represents the Gunditjmara people of south western Victoria and holds culturally significant properties across Gunditjmara country on behalf of the Gunditjmara community. The Corporation is recognised as the RAP for an area of 13,924km², covering 5.86% of Victoria.

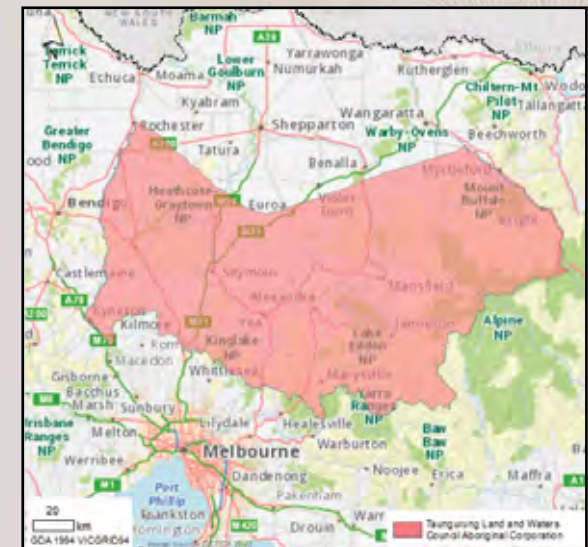


TAUNGURUNG LAND AND WATERS COUNCIL ABORIGINAL CORPORATION

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



The Taungurung Land and Waters Council Aboriginal Corporation represents the interests of the clans of the Taungurung — Benbendoreballuk, Buthera-balluk, Gunung-Yellam, Leuk-willam, Moomoomgoonbeet, Nattarak-balluk, Nguraiillam-balluk, Nira-balluk, Tenbringnellams, Walledriggers, Waring-illam-balluk, Warrinillum, Yaran-illam, Yirun-ilam-balluk, and Yowungillam-balluk. The Corporation is the RAP for an area of 20,215km², and covers 8.51% of Victoria.



WADAWURRUNG TRADITIONAL OWNERS ABORIGINAL CORPORATION

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



The Wadawurrung Traditional Owners Aboriginal Corporation's RAP area covers over 10,000km² on the western side of Melbourne and includes the major regional cities of Geelong and Ballarat. This area incorporates the activities of 11 separate local councils – including many that are experiencing very high rates of growth in terms of population, infrastructure, commercial and residential development. Wadawurrung Country also incorporates the start of the Great Ocean Road, one of Australia's most iconic and popular tourist destinations.



WURUNDJERI WOI-WURRUNG CULTURAL HERITAGE ABORIGINAL CORPORATION

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



The Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation is recognised as the RAP for an area of 6,107km² within and north of Melbourne, covering 2.57% of Victoria.



VICTORIA'S REGISTERED ABORIGINAL PARTIES


YORTA YORTA NATION ABORIGINAL CORPORATION

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



The Yorta Yorta Nation Aboriginal Corporation is the RAP for an area of 13,199km² in northern Victoria, covering 5.56% of the state.





**'COUNCIL WILL CONTINUE TO STRIVE FOR A GREATER UNDERSTANDING
OF CULTURAL HERITAGE BY CHAMPIONING THE RIGHTS OF
TRADITIONAL OWNERS, THROUGH THEIR REPRESENTATIVE AND
INCLUSIVE CORPORATIONS, AND THROUGH STRENGTHENED LEGISLATION
AND ACCOUNTABILITY OF THOSE WORKING UNDER THE ACT'.**

– DENISE LOVETT, CHAIRPERSON

www.aboriginalheritagecouncil.vic.gov.au

VICTORIAN
ABORIGINAL
HERITAGE
COUNCIL

