

Aboriginal Cultural Heritage and the Victorian Legislation

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WHAT IS ABORIGINAL CULTURAL HERITAGE?

Aboriginal places, objects and human remains

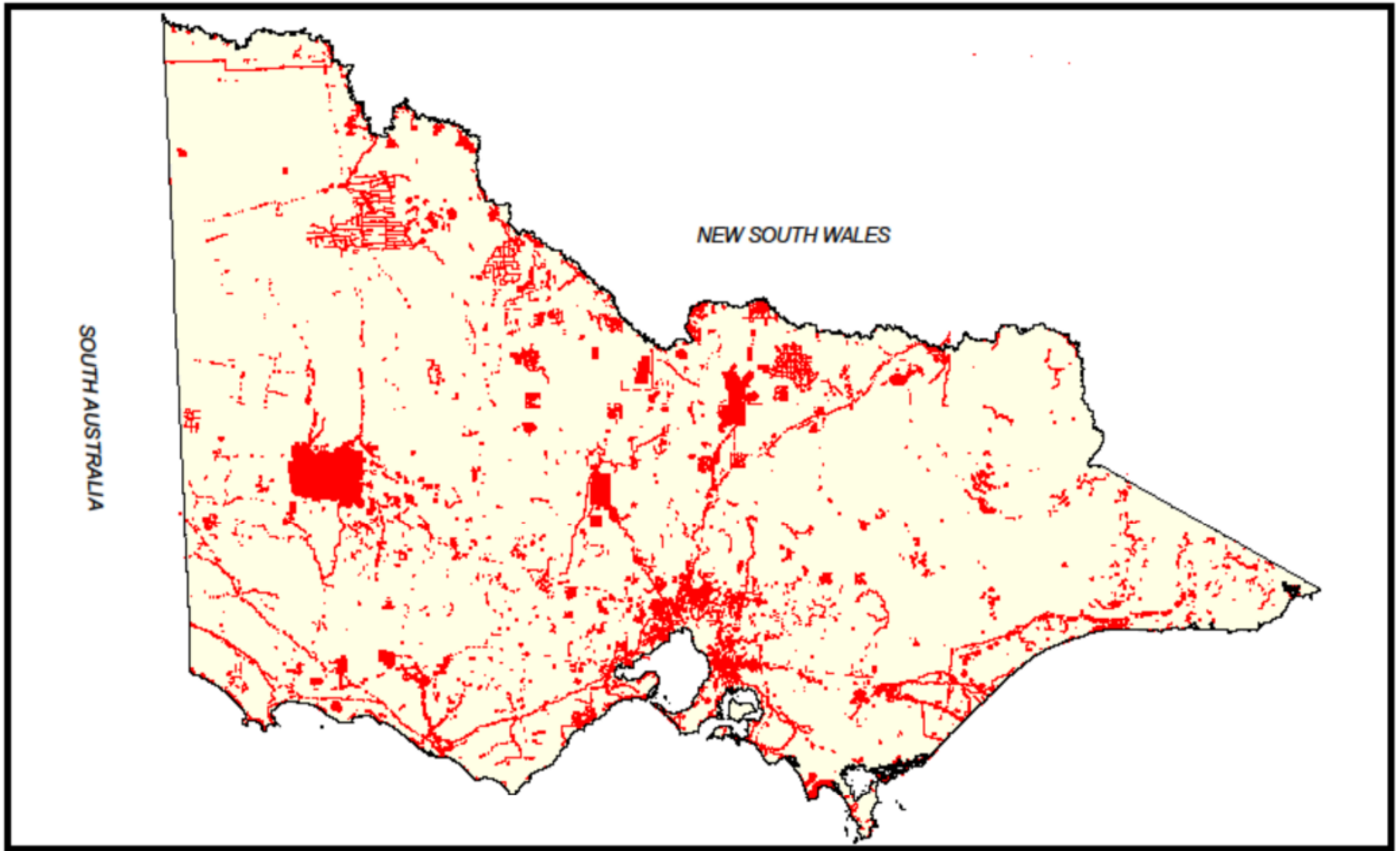
WHAT IS CULTURAL HERITAGE SIGNIFICANCE?

Includes:

a. archaeological, anthropological, contemporary, historical, scientific, social or spiritual significance; and

b. significance in accordance with Aboriginal tradition

(traditions, observances, customs and beliefs of Aboriginal people *and* in relation to particular persons, areas, objects or relationships)



**Areas Surveyed in Victoria
as at 8th November, 2010**

Prepared by Integrated Areas Division
November 2010

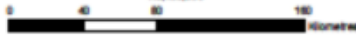


Legend

Areas Surveyed
(approximately 3.15% areas surveyed in Victoria)



VICGRID
GDA M
1:2,400,000



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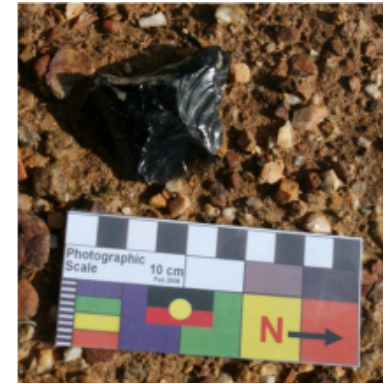
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Surface Scatters & Flaked Tools



*“shows areas that were used; a place where people made tools”
Trevor Abrahams - Gunditjmara*

A flaked glass tool



A group of flaked stone tools

Aboriginal Middens

Middens usually refer to places where the debris from eating food, and often shellfish in particular, has accumulated over time.



Aboriginal shell midden at Kings Billabong

Scarred Trees

Scarred trees are those which show signs of scarring caused as a result of bark removal by Aboriginal people



Administrative System

REGISTERED ABORIGINAL PARTIES

- Advise on cultural significance of heritage places/objects
- Participate in heritage assessment processes
- Approve/refuse cultural heritage management plans
- Comment on cultural heritage permits
- Negotiate cultural heritage agreements

VICTORIAN ABORIGINAL HERITAGE COUNCIL

- Registers Aboriginal parties
- Recommends actions to Minister
- Develops measures to promote public awareness and understanding of cultural heritage
- Advises on procedures, standards & fees

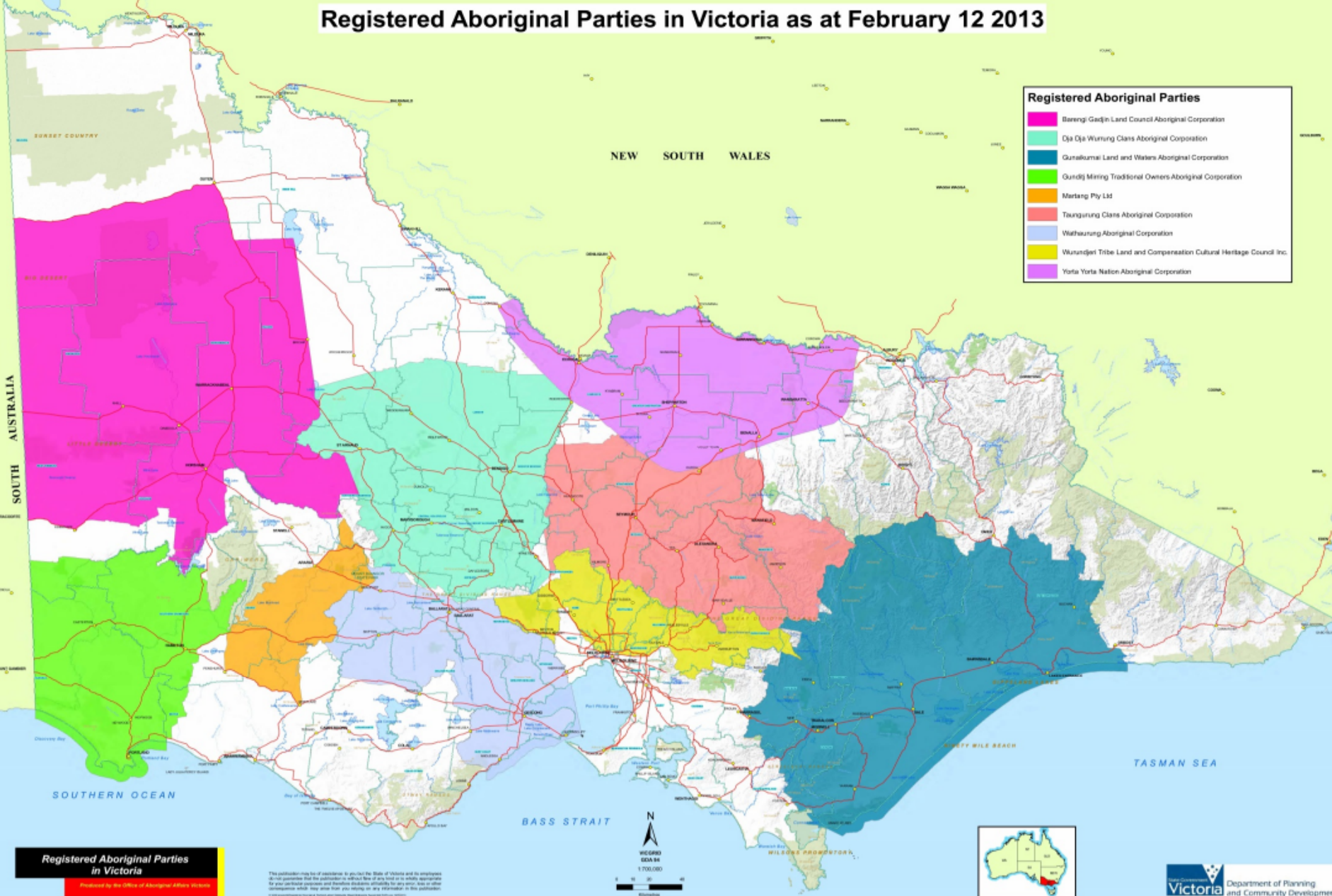
STATE GOVERNMENT (AAV)

- Supports the Aboriginal Heritage Council
- Administers cultural heritage management plan and permit processes
- Develops guidelines and information
- Refers proponents to appropriate RAPs
- Registers cultural heritage agreements
- Undertakes investigation and enforcement activities

Registered Aboriginal Parties in Victoria as at February 12 2013

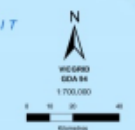
Registered Aboriginal Parties

- Barngi Gadjin Land Council Aboriginal Corporation
- Dja Dja Wurrung Clans Aboriginal Corporation
- Gunaikurnai Land and Waters Aboriginal Corporation
- Gundj Mirring Traditional Owners Aboriginal Corporation
- Martang Pty Ltd
- Taungurung Clans Aboriginal Corporation
- Wathaung Aboriginal Corporation
- Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc.
- Yorta Yorta Nation Aboriginal Corporation



Registered Aboriginal Parties in Victoria
 Produced by the Office of Aboriginal Affairs Victoria

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Cultural Heritage Management Plans

Plans are required when:

- an activity requires an Environment Effects Statement;
- directed by the Minister for Aboriginal Affairs; or
- the **'triggers'** in the Regulations are applicable.

A Plan can also be prepared **voluntarily**.

What are the 'triggers' for a CHMP?

r.6 A cultural heritage management plan is required for an activity if:

(a) all or part of the activity area for the activity is an area of cultural heritage sensitivity;

AND

(b) all or part of the activity is a high impact activity

Areas of cultural heritage sensitivity

Within 50m of:

- Registered cultural heritage place

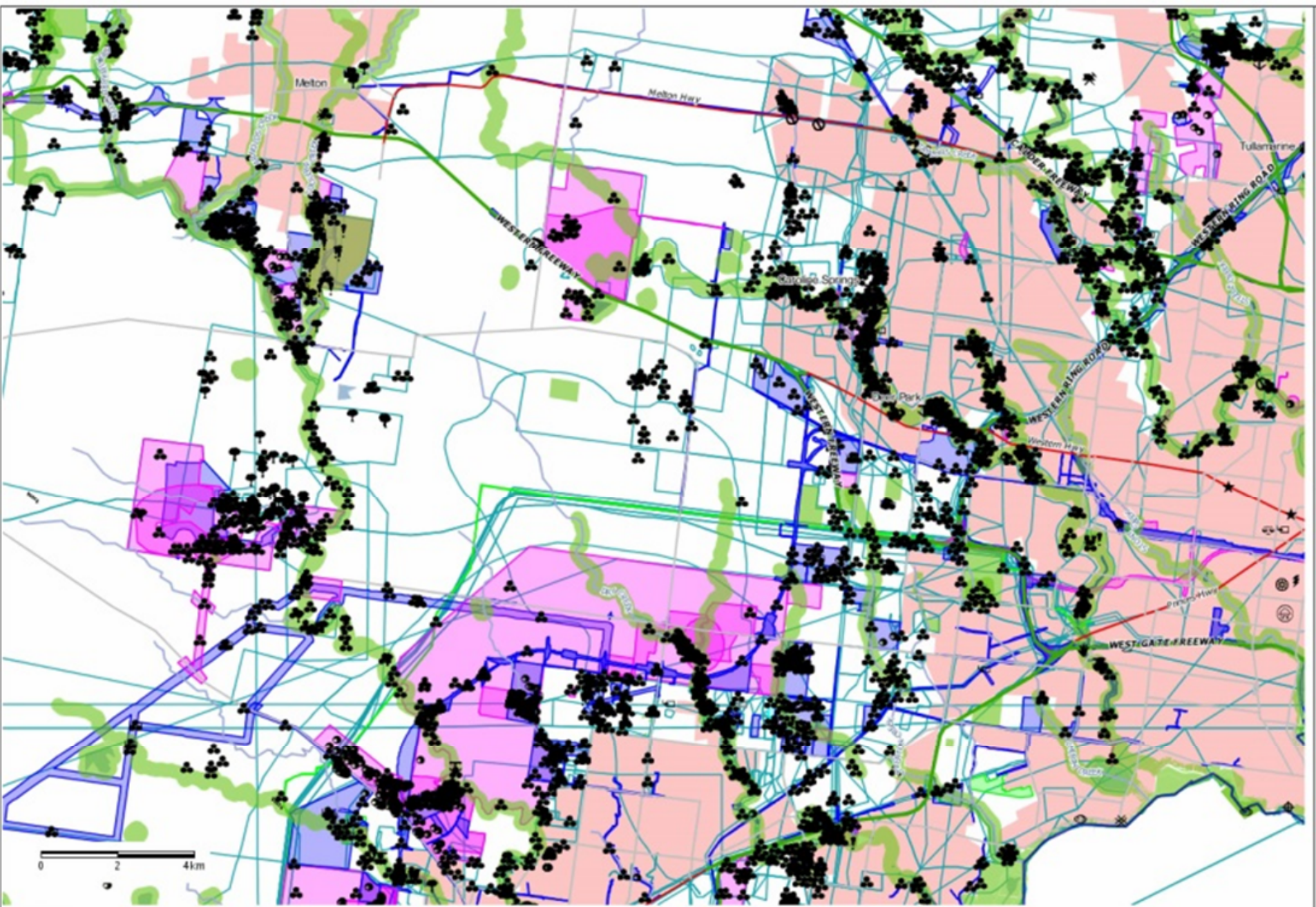
Within 200m of:

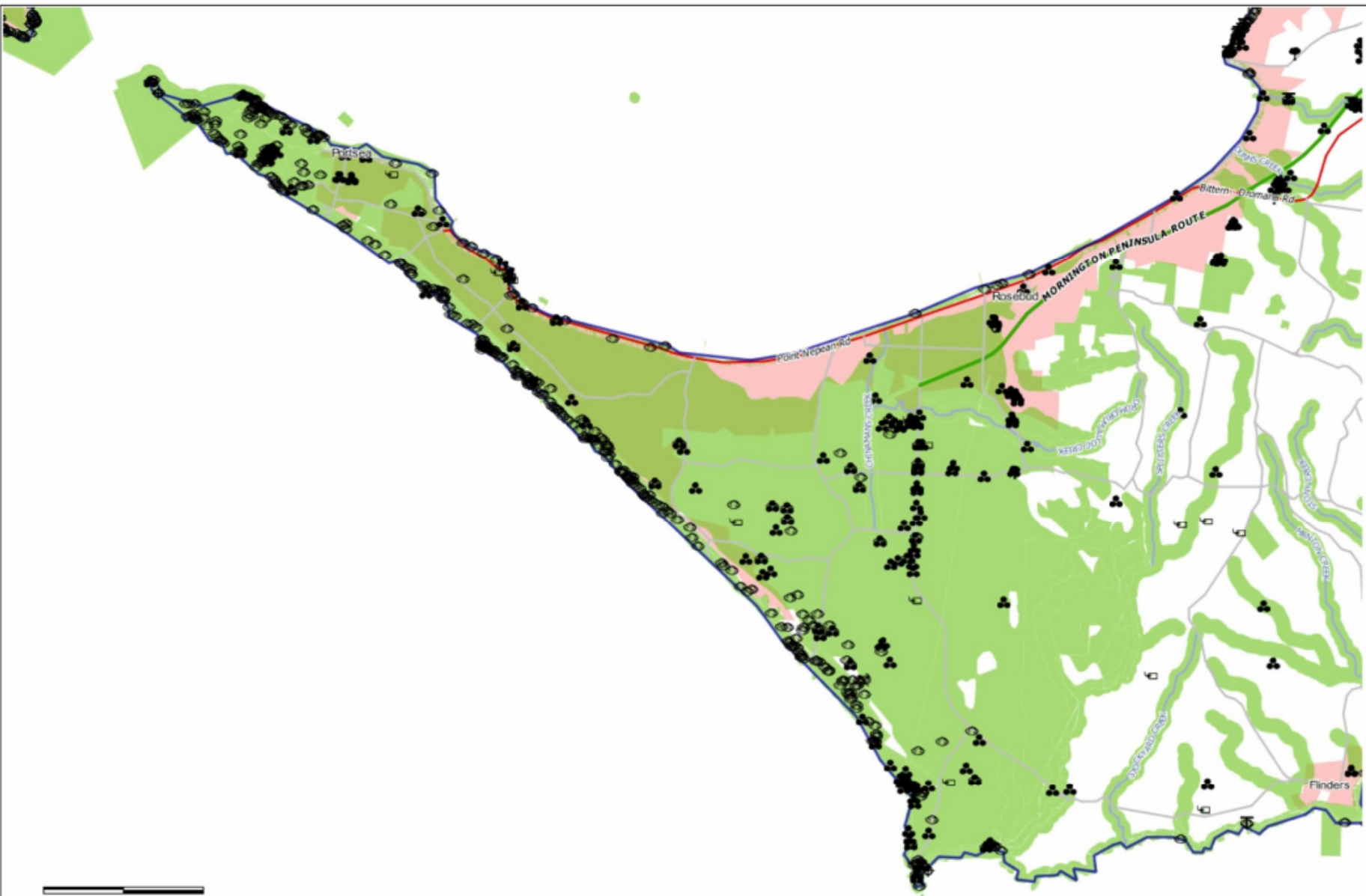
- Waterways
- Prior waterways
- Ancient lakes
- Declared Ramsar Wetlands
- Coastal land

Area:

- Parks
- High plains
- Coastal Crown land
- Koo Wee Rup Plain
- Greenstone outcrops
- Stony rises (Mt Eccles, Mt Napier and Mt Rouse lava flows)
- Volcanic cones of western Victoria
- Caves, lunettes, dunes, sand sheets (including Cranbourne sand)







- Aboriginal Place**
- ◆ Art Site
 - ▲ Artefact
 - ⊞ Burial
 - ◆ Fish Trap
 - ⊞ Grinding
 - ▲ Hearth
 - ⊞ Historic
 - ▲ Mound
 - ◆ Non Aboriginal
 - ⊞ Object
 - ⊞ Quarry
 - ◆ Ring
 - ⊞ Rock Wall
 - ⊞ Scare
 - ⊞ Shell Deposit
 - ⊞ Soil Profile
 - ⊞ Stone
 - ⊞ Stone
 - ⊞ Sub-Surface
- Preliminary Register**
- ◆ Current
 - ◆ Complete
 - ◆ Complete
 - ◆ Complete
 - ◆ Complete
- Archaeological**
- ◆ In Progress
 - ◆ Plan
 - ◆ Plan
 - ◆ Plan
 - ◆ Plan
 - ◆ Report

What is a Cultural Heritage Management Plan (CHMP)?

S.42 – an assessment of the area to determine nature of any Aboriginal cultural heritage present in the area;
and

a written report setting out:

- Results of assessment; and
- Recommendations for measures to be taken before, during and after an activity to manage and protect the Aboriginal cultural heritage identified in assessment.

Review of Act

- Mandated under current Act after 5 years.
- Initial consultation complete and Early Actions agreed.
- Fundamental principles of Act supported.
- Refinement of particular areas currently being considered and with Cabinet.
- Likely tabling of new Bill by mid 2014.

Parliamentary Inquiry into RAPs

- Election promise by Minister whilst in Opposition.
- Driven by specific concerns around appointment of RAPs and role of VAHC.
- Process completed and Government response tabled in Parliament, May 2013
- 38 Recommendations in total, most supported outright or in principle.

Parliamentary Inquiry into RAPs - Outcomes

Guiding Principles



1. **The primacy of Traditional Owners in cultural heritage protection and management through effective, accountable and transparent decision making**
2. **Sustainable Registered Aboriginal Parties**
3. **An efficient, effective best practice Aboriginal cultural heritage management system**
4. **Certainty for all land users**

Parliamentary Inquiry into RAPs - Outcomes

- Expanding the role of the VAHC (report to Parliament, greater oversight of RAPs, public promotion of issues)
- Sustainable funding structure, including RAPs
- Proactive site management
- Co-operative enforcement and compliance monitoring with OAAV Inspectors and RAPs
- VAHC and OAAV to provide guidance to Sponsors on building relationships with RAPs