

THIRD DECISION OF THE VICTORIAN ABORIGINAL HERITAGE COUNCIL REGARDING THE APPLICATION BY GUNDITJ MIRRORING TRADITIONAL OWNERS ABORIGINAL CORPORATION TO BE A REGISTERED ABORIGINAL PARTY

DATE OF DECISION: 23 APRIL 2009

Decision

The Victorian Aboriginal Heritage Council (**the Council**) registers the Gunditj Mirring Traditional Owners Aboriginal Corporation (**Gunditj Mirring**) as a registered Aboriginal party (**RAP**) under the *Aboriginal Heritage Act 2006* over a further part of the area for which it has sought to be a RAP.

This decision relates to an area of the coastal waters of Victoria which is adjacent to the area for which Gunditj Mirring has already been appointed as a RAP. The Council is still considering the remaining areas for which Gunditj Mirring has sought to be a RAP.

A map showing the entire area for which Gunditj Mirring is now a RAP is attached (Attachment 1).

Reasons for Decision

On 28 May 2007 and 19 July 2007 the Council registered Gunditj Mirring as a RAP over areas for which the members of Gunditj Mirring had been recognised as native title holders, and areas surrounding these native title holdings.

The Council deferred making a decision for part of the Gunditj Mirring RAP application area given that these other areas were the subject of competing claims by other neighbouring Traditional Owner groups. The RAP applications over these areas are yet to be determined.

In July 2008, Gunditj Mirring amended its RAP application to include the coastal waters adjacent to its RAP application area from the Victorian/South Australian border to the western bank of the Hopkins River (**the Sea Country**).

The Council decided to appoint Gunditj Mirring for that part of the Sea Country that does not overlap with other groups. The Council took into account that Gunditj Mirring represents the people who are the native title holders for the land adjacent to this part of the Sea Country and that this appointment would not be inconsistent with native title interests on the adjacent land.

The eastern part of the Sea Country is also subject to RAP applications from Framlingham Aboriginal Trust (**Framlingham**) and Kuuyang Maar Aboriginal Corporation (**Kuuyang Maar**), both of which also have RAP applications for land adjacent to the Sea Country.

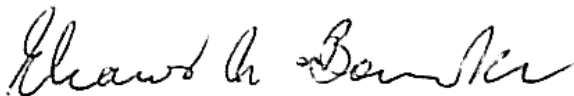
The Council wrote to Framlingham and Kuuyang Maar asking if they objected to the Council appointing Gunditj Mirring as a RAP for the (western) part of the Sea Country, being the area which did not overlap with their RAP application. Framlingham and Kuuyang Maar both reiterated their opposition to Gunditj Mirring being appointed as a RAP over the area of overlap, but did not object to Gunditj Mirring being appointed as a RAP over the western part of the Sea Country.

The Council deferred a decision over the area subject to claims by both Framlingham and Kuuyang Maar. No RAPs have been appointed over this area at this stage.

Council also took into account that Kirrae Wurrung people may have an interest in part of the Sea Country application area, but understands that these interests are within the areas claimed by Framlingham and Kuuyang Maar, and are therefore not affected by this decision.

Having regard to this information, as well as the information contained in the original Gunditj Mirring RAP application, and relying on its own cultural knowledge, Council appoints Gunditj Mirring as a RAP for the western part of the Sea Country.

Signed:



Eleanor A Bourke
Chairperson
Victorian Aboriginal Heritage Council