

DECISION OF THE VICTORIAN ABORIGINAL HERITAGE COUNCIL IN RELATION TO AN APPLICATION BY THE DJA DJA WURRUNG CLANS ABORIGINAL CORPORATION (DDWCAC) AS A REGISTERED ABORIGINAL PARTY (RAP)

DATE OF DECISION: 19 SEPTEMBER 2008

Decision

The Victorian Aboriginal Heritage Council (the Council) registers the Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC) as a Registered Aboriginal Party (RAP) over part of the area it has sought to be a RAP. A map showing the area for which the DDWCAC has been made a RAP (the RAP Area) is attached (Attachment 1). The Council will continue to consider the remaining area for which the DDWCAC has sought to be a RAP.

Reasons for Decision

The Council accepts that the DDWCAC is an organisation that represents Traditional Owners over the approved RAP Area. DDWCAC was incorporated on 10 September 2004 and has a history of managing and protecting cultural heritage in the RAP Area.

The Council believes that groups recognised as RAPs under the *Aboriginal Heritage Act 2006* (the Act) should as best as possible reflect those recognised under native title arrangements. While no native title determination has been made for this area, the DDWCAC represents the Dja Dja Wurrung Clans who have a registered native title application for the DDWCAC RAP application area. The State of Victoria also indicated that DDWCAC have satisfied the State's Guidelines for Native Title Proof (2001) and that the State has the confidence to negotiate exclusively with the Dja Dja Wurrung claimants for a non-native title settlement of their native title claim.

The Council took the view that DDWCAC is an inclusive organisation of Traditional Owners for the RAP Area. Membership of DDWCAC is based on descent from Dja Dja Wurrung apical ancestors (listed in membership rules).

In making this decision, the Council considered the overlapping RAP application by Jaara Jaara Loddon Aboriginal Corporation (JLAC).

The Council took into account that members of JLAC are also descended from ancestors listed in the DDWCAC membership rules. The Council recognises that these people are also Traditional Owners of the RAP Area, and many of them have a history of managing cultural heritage in their Country. The Council noted, however, that the DDWCAC was inclusive of the descendants of all known Traditional Owner ancestors in the RAP Area and has a broader existing membership than JLAC (both in terms of numbers of members and the number of family groups represented in the membership). The Council also noted that existing members of JLAC were eligible to be members of DDWCAC, and that many members of JLAC were currently members of the DDWCAC.

Furthermore, the DDWCAC provided a Cultural Heritage Protocol which specifically gave the family groups represented in the JLAC application responsibility for managing cultural heritage in the Castlemaine and Bendigo regions.

As a Traditional Owner group, the DDWCAC did not expressly have to prove their cultural heritage expertise. Nonetheless, the Council notes that DDWCAC has a history of managing and protecting cultural heritage and provided Council with details of its internal processes in respect of cultural heritage management in the RAP Area on behalf of the Dja Dja Wurrung people. The Council was satisfied that the DDWCAC is capable of carrying out the functions of a RAP.

RAP applications have also been made by other Traditional Owner groups in the vicinity of the DDWCAC RAP Area, including by the Barengi Gadjin Land Council Aboriginal Corporation, Ballarat and District Aboriginal Cooperative Ltd, Wathaurung Aboriginal Corporation, Wandooon Estate Aboriginal Corporation and the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. The DDWCAC RAP area also overlaps in part with the area for which Yorta Yorta Nation Aboriginal Corporation has been appointed a RAP. The Council wrote to all of these groups, and none objected to a decision being made that did not overlap with their areas of interest.

The Council decided to defer a decision over most of these overlapping RAP applications to enable further discussions to be held between these groups. This approach is consistent with the Council's practice of encouraging RAP applicants to discuss their RAP applications with neighbouring groups and try to resolve disputes themselves.

Council did decide to appoint DDWCAC as a RAP over part of the area of the current application from Wandooon Estate Aboriginal Corporation (Wandooon Estate). Council based this decision on advice from Wandooon Estate about their traditional boundaries, provided in a letter to Council.

The Council has been made aware that two Traditional Owner groups have interests in areas included in the DDWCAC RAP application, though the areas are not currently the subject of applications before Council. These include the Barapa Barapa people to the north, and the Barengi Gadjin Land Council Aboriginal Corporation (BGLC) to the west (Stage 3 of the BGLC RAP application is not currently under consideration by Council). The Council also deferred making a decision over these areas in order to allow the groups opportunity to discuss the overlap and reach an agreement.

Having regard to these matters, and relying on its cultural knowledge, the Council took the view that the DDWCAC should be registered for the RAP Area. The remainder of the DDWCAC RAP application will be considered by Council at a later date.



Eleanor A Bourke
Chairperson
Victorian Aboriginal Heritage Council