

DECISION OF THE VICTORIAN ABORIGINAL HERITAGE COUNCIL IN RELATION TO AN APPLICATION BY WURUNDJERI TRIBE LAND AND COMPENSATION CULTURAL HERITAGE COUNCIL INC TO BE A REGISTERED ABORIGINAL PARTY

DATE OF DECISION: 22 AUGUST 2008

**Decision**

The Victorian Aboriginal Heritage Council ("the Council") registers the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc ("Wurundjeri Inc") as a registered Aboriginal party ("RAP") over part of its application area. A map showing the area for which Wurundjeri Inc has been made a RAP ("the RAP Area") is attached (Attachment 1). The Council is still considering the remaining area for which Wurundjeri Inc has sought to be a RAP.

**Reasons for Decision**

The Council accepts that Wurundjeri Inc is an organisation that represents the Traditional Owners of the RAP Area. The members of Wurundjeri Inc are all descendants of a Woiwurrung / Wurundjeri man Bebejan, through his daughter Annie Borate (Boorat), and in turn, her son Robert Wandin (Wandoon). Bebejan was *Ngurungaeta* (headman) of the Wurundjeri people and was present at John Batman's 'treaty' signing in 1835.

Wurundjeri Inc was incorporated in 1985 and has had a long history of managing and protecting cultural heritage in its application area on behalf of Woiwurrung people. The Council was satisfied Wurundjeri Inc 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 (and in some cases overlapping with) the Wurundjeri RAP application area. These include the Wathaurung/ Wathaurong people to the west, the Dja Dja Wurrung/ Jaara Jaara people to the north-west, the Taungurung people to the north, the Gunai/Kurnai people to the east and the Boon Wurrung/ Bunurong people to the south. None of these groups objected to a decision being made over an area that did not overlap with the area which they had also sought to become registered as a RAP.

The most difficult question for the Council in making this decision was to consider the RAP application by Wandoon Estate Aboriginal Corporation ("Wandoon Estate") which overlaps almost all of the Wurundjeri RAP application area.

The Council took into account that members of Wandoon Estate are descended from the same ancestor as the members of Wurundjeri Inc and are therefore also Traditional Owners of the RAP Area. However, the Council notes that Wurundjeri Inc has a broader membership of Woiwurrung people than Wandoon Estate (both in terms of numbers of members and the number of family groups represented in the membership) and that all existing members of Wandoon Estate are eligible to be

members of Wurundjeri Inc. The Council also took into account that most if not all members of Wandoon Estate are currently members of Wurundjeri Inc.

Wandoon Estate raised a number of issues regarding the membership and operation of Wurundjeri Inc and the appropriate representation of Woiwurrung people. The Council took the view that in the most part these issues related to the internal working of Wurundjeri Inc or to cultural decisions of the Woiwurrung people and were not issues to be decided by the Council.

The Council notes that there was some uncertainty as to whether some Wurundjeri people were eligible to join Wurundjeri Inc because of the wording of its membership rules. Wurundjeri Inc clarified that, while its membership is comprised of "three family groups" who are primarily the direct descendants of three of the 10 children of Robert Wandoon/Wandin, these "three family groups" also included members who are descendants of the other seven children of Robert Wandin.

Furthermore, Wurundjeri Inc indicated that if any person could establish that they were Woiwurrung/ Wurundjeri, and wished to join the Wurundjeri Inc, it would be prepared to consider amending its rules to ensure that Wurundjeri Inc remained inclusive of all Wurundjeri/ Woiwurrung people. This assurance extended to any person who might be able to establish that they were Wurundjeri/ Woiwurrung through an ancestor other than Bebejan.

The Council is not aware of any person currently claiming to be Woiwurrung/ Wurundjeri being excluded from Wurundjeri Inc as a result of the wording of its rules.

The Council decided to defer a decision in relation to a number of areas of the Wurundjeri application in which other Traditional Owner groups are also claiming traditional links in their RAP applications to Council. This approach is consistent with Council's practice of encouraging RAP applicants to discuss their RAP applications with neighbouring groups and try to resolve disputes themselves. If these discussions do not lead to an acceptable agreement, then it will be up to the Council to determine which, if any, groups should be appointed as RAP over these areas.

The Council notes that as there are no current native title proceedings over the area for which Wurundjeri has been appointed, this decision is not inconsistent with Council's principle that groups recognised as RAPs as best as possible reflect those recognised under native title arrangements.

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



Eleanor A Bourke  
Chairperson  
Victorian Aboriginal Heritage Council