

Aboriginal Heritage Act 2006

Registered Aboriginal Parties (RAPs) Guidelines for Applicants

The Victorian *Aboriginal Heritage Act 2006* (the Act) recognises Aboriginal people “as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage”.

Registered Aboriginal Parties (RAPs) will have important roles and functions in managing and protecting Aboriginal cultural heritage in Victoria. RAPs are determined by the Aboriginal Heritage Council (the Council).

These guidelines provide details on the application form and the information to be included with the application. This information will assist the Council to assess the applications for registration. Applications will only be accepted on the approved form (attached). As well as the required information, applicants can provide any additional information they believe will assist the Council to make these important decisions. All information must be able to be verified. All information will be treated sensitively and confidentially.

Information Sheet 1 provides information on becoming a RAP including the matters the Council must consider when reviewing applications for registration as a RAP, while Information Sheet 2 describes the work to be done by RAPs.

Section 1 – Applicant Information

TO BE PROVIDED BY ALL APPLICANTS

Organisational information - Attachment A

Only incorporated bodies can apply for registration as a RAP. Bodies can be incorporated under:

- the Commonwealth *Aboriginal Councils and Associations Act 1976* (up to 30 June 2007);
- the Commonwealth *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (from 1 July 2007);
- the Commonwealth *Corporations Act 2001*;
- the Victorian *Co-operatives Act 1996*; or
- the Victorian *Associations Incorporation Act 1981*.

The application must be signed by an authorised office-bearer under the body corporate's common seal. The application must also be witnessed.

A copy of the applicant's Certificate of Incorporation, articles of association or constitution, any policies and procedures or governance manual approved by the Board and a list of office bearers and/or persons consisting of the authorising group **must** be attached. A full and current list of members (without addresses) must also be attached.

Map and description of the application area - Attachment B

The Act requires all applicants to provide a description of the area for which they are applying for registration as a RAP. The description of the area must include a map or a written description of the boundaries of that area.

Statement describing how the applicant group will carry out the role of Registered Aboriginal Party - Attachment C

This statement should identify in detail how the applicant group will fulfil its responsibilities as a RAP. This statement should describe the governance structures and how the applicant will comply with its incorporation requirements (if not already incorporated). The statement should also describe how the applicant will make decisions in relation to cultural heritage management and describe the skills and experience of those who will undertake this work.

If it is proposed to use the services of another Aboriginal organisation, for example, to provide administration, book keeping or pay roll support, it is necessary to provide information on that organisation's incorporation and registration details as well.

Section 2: Native Title Holder

If a registered native title holder applies for registration as a RAP, no other applicant can be registered as a RAP for the same area to which the determination that native title exists has been made.

For the purposes of the Act, 'registered native title holder' means a registered native title body corporate (with the same meaning as in the Commonwealth *Native Title Act* 1993 (NT Act)) or an entity, other than a registered native title body corporate, that is the subject of a determination of native title under the NT Act and is registered on the National Native Title Register established under the NT Act as holding native title rights and interests.

Registered native title holders must provide a map of the area for which there is a determination that native title exists together with a copy of the determination (Attachment D). Registered native title holders must also provide Attachments A and C.

Registered native title holders seeking registration only for the area for which they have the determination that native title exists, need only complete Section 2 and provide Attachments A, C and D.

Registered native title holders may apply for registration as a RAP for areas outside the area for which they have the determination that native title exists. However, they are considered as native title parties for this broader application (see Section 3).

Section 3: Native Title Party

Native title parties are defined in section 6 of the Act and include:

- Registered native title claimants for an area;
- Registered native title claimants for an area whose claims have failed and where there is no other, and there never has been another, native title holder for the area;
- Registered native title claimants for an area who have surrendered native title under a native title agreement;
- Registered native title claimants for an area whose native title has been extinguished or compulsorily acquired.

Applications for registration as a RAP should include a copy of relevant native title application registrations, agreements or determinations (Attachment E). Applicants must also provide Attachments A, B and C. Native title party status relates to the outer boundary of the area for which an application for determination of native title is made.

Section 4: Traditional or Family Links

The Act also recognises that not all Aboriginal groups with traditional or familial (family) links to land have lodged applications for native title.

For the purposes of the Act (section 7), a person has traditional or familial links to an area if:

- The person is an Aboriginal person with particular knowledge about traditions, observances, customs or beliefs associated with the area; and
- The person:
 - has responsibility under Aboriginal tradition for significant Aboriginal places located in, or significant Aboriginal objects originating from the area; or
 - is a member of a family or clan group recognised as having such responsibility.

A statement describing the nature of these links should be attached. Applicants can provide any additional information that they believe will support this application. This information could include historical documents and researched articles. It may also be helpful to provide documents from other Aboriginal people or organisations, which recognise these traditional or family links or from groups which recognise the connection to country of the applicant group. If this application has been discussed with other Aboriginal groups this could also be described.

Applicants must complete either Section 4 or Section 5 and provide Attachments A, B and C. Applicants can choose to complete both Sections 4 and 5, however it is not mandatory.

Section 5: Historical and Contemporary Links

The Act also makes specific provision for people with historical or contemporary interests in Aboriginal cultural heritage in a particular area to apply for registration.

Applicants can provide any information that demonstrates their historical and contemporary links to an area that they believe will support their application. It is recommended that the application be accompanied by supporting documentation from other Aboriginal people or organisations who recognise the historical and contemporary links of the applicant, or who support the application. It is recommended that this application also be discussed with traditional owner groups in the area.

Applicants for registration should provide information on their historical or contemporary interest in Aboriginal cultural heritage relating to the area, **and their** expertise in managing and protecting that cultural heritage.

Applicants must complete either Section 4 or Section 5. Applicants must also provide Attachments A, B and C. Applicants can choose to complete both Sections 4 and 5, however it is not mandatory.

Section 6: Expertise in Cultural Heritage Management

As RAPs will play an important role in managing Victoria's Aboriginal cultural heritage, the Council must ensure that applicants have the capacity to carry out these functions. Applicants are requested to provide evidence of their expertise in cultural heritage management. This could include supporting documentation from other Aboriginal people or organisations, or other stakeholders such as state government agencies, local government, developers, industry representatives, heritage consultants or land managers.

Section 7: Grants of Land

The Council must also consider whether the applicant for registration has been granted land by the State or Commonwealth Government. The title details of this land should be included in the application.

Section 8: Land and Resource Management

Applicants are also requested to provide information on any agreements they have entered into with the Victorian Government, or any other party, in relation to land and natural resource management in respect of the area for which RAP status is sought. Examples may include Indigenous Land Use Agreements, co-management agreements, and recognition as managers of Indigenous Protected Areas. These agreements should be listed in the application.

Section 9: Other Information

Applications will only be accepted on the approved form, however applicants are able to provide any additional information in support of the application. If applicants want this information returned, this should be indicated in the application.

Applicants should note that the Council is able to request any additional information that it requires to assess the application. If an incomplete application is submitted, applicants will be contacted and requested to provide the required information. Incomplete applications will not be considered by the Council.

Section 10: Contact details

Any queries in relation to this information can be addressed to:

**Aboriginal Heritage Council Secretariat
Aboriginal Affairs Victoria
GPO Box 2392
MELBOURNE VIC 3001**

Alternatively, the Secretariat for the Council can be contacted by phone on:

03 9208 3280 (Secretariat Manager), or
03 9208 3243 (Secretariat Support Officer)
or by fax on 03 9208 3292.