

Aboriginal Heritage Act 2006

Information Sheet The Role of Registered Aboriginal Parties (RAPs)

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

This information sheet provides detailed information on the actual tasks to be performed by RAPs under the Act. It is recommended that potential applicants for registration read this information sheet before submitting an application.

RAPs & Cultural Heritage Management Plans

Cultural Heritage Management Plans (Management Plans) must be prepared if required under the Aboriginal Heritage Regulations 2007, directed by the Minister for Aboriginal Affairs (the Minister) or if an activity is subject to completion of an Environmental Effects Statement under the Environment Effects Act 1978.

Evaluation of these Management Plans is one of the most significant responsibilities of the RAPs. If a Management Plan is required for a particular area, the RAP must:

- consider a notification of intention to prepare a Management Plan;
- advise in writing within 14 days of the notification as to whether or not the RAP intends to evaluate the Management Plan; and
- use “reasonable efforts” to co-operate with the sponsor in the preparation of the Management Plan.

If a RAP intends to evaluate a Management Plan, it may also:

- consult with the sponsor on the cultural heritage assessment;
- consult with the sponsor on the recommendations to be included in the Management Plan; and
- participate in the conduct of the assessment.

When the Management Plan is prepared, the RAP must evaluate the Management Plan and

decide whether to approve or refuse to approve the Management Plan within 30 days of receiving the application for approval of the Management Plan from the sponsor.

The Act sets out the matters that the RAP must take into consideration when making this decision. In addition, the Act provides review processes for decisions made by RAPs.

If a RAP refuses to approve a Management Plan, the sponsor may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the decision.

RAPs & Cultural Heritage Permits

If a person proposes to carry out an activity

- for the purpose of uncovering or discovering Aboriginal cultural heritage, or carrying out scientific research on an Aboriginal place;
- that will, or is likely to, harm Aboriginal cultural heritage;
- involving buying or selling Aboriginal cultural heritage; or
- involving the removal of an Aboriginal object from Victoria,

the person must apply to the Secretary for a Cultural Heritage Permit (Permit).

The Secretary must then refer the application to the relevant RAP(s). The RAP has 30 days to advise in writing whether it does or does not object to granting of a Permit. Where the RAP does not object, the RAP can specify “reasonable” conditions to be included in the Permit such as something to be done to the satisfaction of the RAP.

The RAP may seek further information from the applicant, inspect the land and ask for the assistance of an inspector for the purpose of an inspection of land.

If the RAP objects within the 30 day time limit, the Secretary must refuse the grant of a permit. Likewise, if the RAP does not object and specifies conditions within the 30 day time limit, the Secretary must include those conditions in the Permit.

RAPs & Cultural Heritage Agreements

A Cultural Heritage Agreement (Agreement) is a voluntary agreement between two or more persons relating to the management or protection of Aboriginal cultural heritage.

A RAP must be a party to any such Agreement. If there is more than one RAP for the area, all RAPs must give their written consent to the making or amending of the Agreement.

RAPs & Protection Declarations

RAPs may apply to the Minister to make interim or ongoing protection declarations.

The Minister may also consult with RAPs prior to making, amending, extending or revoking protection declarations.

RAPs may also place (or authorise placement of) signage on or near the Aboriginal place covered by the interim or ongoing protection declarations.

RAPs & Cultural Heritage Audits

The RAP must receive notification from the Minister if the Minister decides to order a Cultural Heritage Audit (Audit) and if the Minister approves the completion of an Audit.

How much work does a RAP undertake?

The amount of work undertaken by a RAP varies from region to region. The consideration of Management Plans and applications for Permits constitute the major work of RAPs, but this need varies according to environmental, landscape and social characteristics of the RAP area. It also depends on the amount and type of land use activity and development in an area.

The demand for Management Plans is greater in urban growth areas (around Melbourne and in regional cities such as Bendigo, Ballarat and Geelong), coastal areas and rural areas where there is change from grazing and dry land cropping to more intensive agricultural uses.

Can RAPs charge fees?

Under the Act, there are prescribed fees payable to RAPs for the evaluation of Management Plans.

A RAP can charge fees to consult with a sponsor on a proposed cultural heritage assessment and recommendations to be included in a Management Plan, and/or to participate in the conduct of a cultural heritage assessment.

The Secretary has published standards and guidelines for the payment of fees to RAPs in connection with Management Plans.

How does the Victorian Government support the RAPs?

The Government supports RAPs through:

- provision of training on governance, for example, managing board meetings, complying with the legal requirements of Annual General Meetings, annual reporting and preparation of audited financial reports;
- training and ongoing workshops on roles and responsibilities under the Act;
- assisting in development of pro-forma materials, such as letters;
- supplying maps and other resources (such as mini posters);
- assisting in the development of policies and procedures; and
- promoting the development of stakeholder relationships.

Aboriginal Affairs Victoria has also established regional offices in Bairnsdale, Ballarat, Bendigo, and Wangaratta to work more closely with RAPs from these regional offices.

Further Information

Any queries in relation to this information sheet 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.

www.aboriginalaffairs.vic.gov.au