

11 September 2007

**ENDORSEMENT OF CITY OF MELBOURNE INDIGENOUS
FRAMEWORK 2007-2010**

Division Community & Culture

Presenter Colleen Lazenby, Manager Community Safety & Wellbeing

Purpose

1. To present the *City of Melbourne Indigenous Framework 2007-2010* which is the first such policy for the organisation.

Recommendation from Management

2. That the Community Services Committee:
 - 2.1. note that the community consultations are complete; and
 - 2.2. endorse the *City of Melbourne Indigenous Framework 2007-2010*.

Key Issues

3. On 12 June 2007 an interim report was presented to the Community Services Committee stating the intention to develop an Indigenous Framework to guide the City of Melbourne's work for the period of 2007-2010 as the preferred option of the Indigenous community and internal and external stakeholders consulted to date. This has included a revision of the 2003-2006 Indigenous Statement of Commitment.
4. The consultation process was open to all community (both Indigenous and non-Indigenous) from October 2006 to August 2007. The Traditional Owner groups of Melbourne were more specifically invited to comment on the draft of the *Framework* prior to finalisation, along with key internal and external stakeholders. Based on this feedback, the aims and objectives of the *Framework* were very well supported and comments were highly positive.
5. Throughout the consultation process both Wurundjeri and Boonerwung asserted claims to have traditional ties to the Melbourne Municipal area. Aboriginal Affairs Victoria ("AAV") advises that neither the *Native Title Act 1993* nor the *Aboriginal Heritage Act 2006* define Traditional Owners for Melbourne/Victoria. AAV further advised that there is oral history and academic evidence to support the claims of both parties. The *Aboriginal Heritage Act 2006* will establish, through the Aboriginal Heritage Council, Registered Aboriginal Parties ("RAPs") for the Melbourne Local Government Area. The role of RAPs is to be the primary group responsible for cultural heritage within their areas. Whilst many RAPs will be comprised of Traditional Owners, not all RAPs will be Traditional Owner groups, and therefore will not 'speak for country' in a way that Traditional Owner groups do.

6. Despite the RAPs under the new *Aboriginal Heritage Act 2006*, the members of Wurundjeri who participated in this consultation process and provided comment on the *Framework* were all strongly opposed to acknowledging any other aboriginal party as Traditional Owners for Melbourne municipal area. This opposition was noted through verbal consultations, emails, and background documentation to support the claim.
7. Whilst it was not the intent of the consultation process to make decisions about Traditional Owner boundaries for Melbourne, the establishment of protocols for welcome to country at civic events triggered such discussions. Establishing an interim protocol for welcome to country will therefore require immediate follow up as a key action area of the *Framework*.
8. AAV advised options for acknowledging Traditional Owners would include:
 - 8.1. acknowledging the Wurundjeri, Bunurong and Boonwurrung as asserting traditional ownership of the City of Melbourne;
 - 8.2. acknowledging that the City of Melbourne was part of the clan estates of the people who spoke the Woi wurrung and Boonwurrung languages (93 per cent common language);
 - 8.3. accepting the interpretations of research by Diane Barwick and Ian Clark and splitting the City of Melbourne between the Wurundjeri and Bunurong/Boon Wurrung;
 - 8.4. acknowledging the groups together as Kulin; or
 - 8.5. not acknowledging any specific group (i.e recognise the 'Traditional Owners'). AAV advised that the City of Melbourne note that the spelling as 'Boonwurrung', using the double 'oo' rather than 'u', is preferred to stop mispronouncing the name.
9. Tribal boundaries are recognised today and are the basis of native title claims under the Commonwealth Government's *Native Title Act 1993*. Victoria's first Native Title was recognised in November 2005, for the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk people in the Wimmera region. After eleven years of struggle, the Gunditjmarra people on 30 March 2007 were recognised as the native title holders for far South West Victoria following an agreement between the State, the Gunditjmarra people and 99 other parties. In Melbourne no such determinations exist.
10. The members of Wurundjeri who provided input during the consultation process also opposed the use of the term 'Kulin Nation' and provided advice that this was appropriate when the Kulin Nation organisation was operational. However this entity no longer exists and independent traditional owner incorporations have since been established. It was the view of the Wurundjeri representatives consulted that Kulin Nation refers to areas beyond Melbourne's Municipal area.
11. The Boonerwung were provided an opportunity to provide feedback throughout the consultation process and on the draft *Framework*. This group maintains the claim to have traditional ties to the Melbourne municipal area and have registered as an Aboriginal party through the *Aboriginal Heritage Act 2006*. The Boonerwung were very supportive of the consultation process and the *Framework* overall.
12. *The Indigenous Framework 2007-2010* will provide many opportunities for branches of the City of Melbourne to work with the Indigenous community in areas such as events, tourism, marketing, business grants, social and public space issues, Indigenous employment and cultural awareness training both internally and through community education.
13. *The Indigenous Framework* will provide many opportunities to build and strengthen relationships with external stakeholders to include Aboriginal Affairs Victoria, Koori Business Network (Department of Innovation, Industry and Regional Development) Heritage Victoria, Family and Children Services and Indigneous Affairs (FACSIA, Commonwealth), Tourism Victoria/Australia, Department of Human Services and the Department of Justice.

Time Frame

14. A lengthy period of consultation and public comment was appropriate for the City of Melbourne framework to allow as much input as possible from many groups, organisations and individuals:
 - 14.1. every effort was made to support input from Traditional Owners and consultation with Indigenous people of selected areas of regional Victoria was sourced; and
 - 14.2. the resulting *Framework* reflects a strategy and plans for actions to be implemented from 2007-2010.

Relation to Council Policy

15. The City of Melbourne Statement of Commitment to Indigenous Australians indicates a commitment to advocate in conjunction with the Indigenous community for:
 - 15.1. the ideal of reconciliation with Indigenous Australians in the context of redressing their serious social and economic disadvantage; and
 - 15.2. recognition and protection of and respect for Indigenous sacred sites and special places.
16. Under the Council Plan objective of 'Inclusive and Engaging City', the City of Melbourne is committed to the following actions:
 - 16.1. develop and implement an Indigenous Social and Economic Framework Strategy; and
 - 16.2. develop and implement an agreement with Traditional Owners and other members of the Indigenous community.
17. *The Indigenous Framework* aligns with and is complementary to:
 - 17.1. The Arts Strategy 2004 – 2007;
 - 17.2. The Homelessness Framework 2007 – 2010;
 - 17.3. Strategy for a Safer City 2007 – 2010; and
 - 17.4. Young People's Policy 2005 – 2009.

Consultation

18. The public consultation process for the development of the *Indigenous Framework* has included:
 - 18.1. regular discussions with the Interim Chief Executive Officer of Wurundjeri Tribe and Land Compensation Council Inc. to include the provision of information sheets and copies of the two draft Frameworks, inviting Wurundjeri's comments and input;
 - 18.2. invitation to key contacts of the Kulin Nation groups inviting feedback, including provision of draft Frameworks and consultation sessions with Boonerwung;
 - 18.3. invited feedback from Traditional Owners on the draft *Indigenous Framework* through phone, email, mail or individual meetings with staff of Council's Indigenous Unit;
 - 18.4. broad community opportunity to participate in the consultation process through an electronic circulation of the draft *Indigenous Social and Economic Development and Indigenous Culture and Heritage Framework*, through the City of Melbourne website and via circulation to a broad range of Indigenous community networks;

- 18.5. consultation with the Koorie Heritage Trust in the development of Indigenous Cultural Awareness training for City of Melbourne employees, and discussions on Tourism developments;
- 18.6. forum to introduce internal branches of City of Melbourne (Marketing, Tourism, Business, Arts and Culture) to current Indigenous Melbourne based business/tourism operators. This forum involved key stakeholders from the Koorie Business Network within the Department of Infrastructure, Innovation and Regional Development, Koorie Heritage Trust and Aboriginal Tourism Victoria;
- 18.7. engagement with Traditional Owner group representatives from across Victoria through a statewide meeting of the Victorian Native Title Land Justice Group. Draft copies of the Frameworks were provided and feedback sought through various mechanisms;
- 18.8. a regional visit to Shepparton and ongoing discussions to explore access by the broader Indigenous communities to Melbourne as the state's capital; and
- 18.9. discussion with other Councils (Brisbane, Adelaide and other Melbourne based councils) to explore 'models of good practice' in terms of council based Indigenous initiatives.

Ongoing Consultation

19. To provide for ongoing consultation and assist with implementation of the *Indigenous Framework 2007 – 2010* by Traditional Owner groups, Registered Aboriginal Parties, and key internal and external stakeholders an advisory committee's model is proposed:
 - 19.1. the Framework will be implemented through four Indigenous Advisory Committees. Clear terms of reference and membership to each panel will be established to include City of Melbourne employees (within the relevant fields), Indigenous community members and key stakeholders. These panels will provide advice on Indigenous matters for the City of Melbourne:
 - 19.1.1. Indigenous Culture and Heritage – the panel will be made up of members of Traditional Owners who are recognised as having traditional association with the Melbourne municipal area;
 - 19.1.2. City Indigenous Working Group – the panel will be made up of professionals working in relevant fields (for example youth agencies and police) and will consider both Indigenous and non-Indigenous issues relating to public space and social issues both internal and external to the City of Melbourne;
 - 19.1.3. Indigenous Economic and Cultural Development – the panel will be established to ensure an Indigenous cultural presence at major events, identification of marketing strategies for Indigenous tourism and business operators. The panel will be made up of Indigenous tourism and business operators within the City of Melbourne and will consider Indigenous economic and tourism development issues;
20. An Indigenous Arts Advisory Panel ("IAAP") currently exists and is managed by the Arts & Culture Branch, Indigenous Arts Program Manager. The purpose of the panel is to provide advice to the Arts & Culture Branch and the Arts Advisory Board of the City of Melbourne on matters relating to Indigenous arts and culture.

Government Relations

21. The Indigenous Unit has held meetings with representatives from the following State and Federal government departments:
 - 20.1. Department for Victorian Communities (Aboriginal Affairs Victoria);
 - 20.2. Heritage Victoria;
 - 20.3. Department of Innovation, Industry and Regional Development;
 - 20.4. Museum Victoria, (Bunjilaka Melbourne Museum);
 - 20.5. Royal Botanic Gardens;
 - 20.6. Department of Justice (Indigenous Issues Unit);
 - 20.7. Department of Family and Children Services and Indigenous Affairs; and
 - 20.8 Vic Roads (Indigenous Employment Strategy).

Finance

22. Two permanent EFT positions are responsible for the coordination and implementation of the Integrated Framework. As a result of the Operational and Efficiency Review a third permanent EFT is currently being advertised and a Senior Project Officer has been appointed as a result of Federal Funding.
23. Total funds for material and services for the Indigenous portfolio requested in the 2007/08 budget process is \$237,381. This amount is anticipated to be spent undertaking a Cultural and Heritage Study; hosting and promoting community education events during Reconciliation and NAIDOC week launch of the Indigenous Framework at a cultural gathering with Traditional Owners; facilitating advisory committee meetings to guide implementation of the Framework; managing the funding and service agreement with Reconciliation Victoria; and developing and delivering internal cultural awareness training.
24. In 2007-2008 the Indigenous Unit was successful in securing a grant from the Federal government to examine Indigenous youth services in the Melbourne municipal area and impediments in accessing mainstream services (\$120,000). The grant funds a temporary full time officer to June 2008 and provides program funds to undertake education and awareness projects.

Legal

25. The subject matter of the report and the recommendation are within the functions and powers of the Council.

Sustainability

26. The draft Indigenous Social and Economic Development Framework and the draft Indigenous Culture and Heritage Framework have been combined as two program areas now addressed in one integrated document. The single Framework will guide important long term strategies over the next three years. This initiative will support the social aspects of an Inclusive and Engaging City.
27. The outcome of Council's commitment to reconciliation, a key principle underpinning the Framework, has implications for social equity with the potential to positively influence an Innovative and Vital Business City.

Comments

28. The implementation of the City of Melbourne Indigenous Framework will progress the Indigenous Unit from a developmental phase into a 'whole of council' policy/program/project and service delivery and advice role. The consultation process has already seen the formation of relationships across the City of Melbourne and with the Indigenous community.
29. The Framework will continue to see the progression of the reconciliation agenda and through the proposed advisory panels will provide opportunity for Indigenous and non Indigenous peoples to work together in progressing key actions of the Framework.
30. Through the continued delivery of cultural awareness training, it is anticipated that the City of Melbourne will provide a workplace that is welcoming and culturally appropriate for attracting new Indigenous staff, retaining current Indigenous employees and developing effective partnerships with the Indigenous community.

Background

31. The City of Melbourne presented an interim report to Council in June 2007 advising of progress and proposing an Indigenous Framework.
-

Attachment:

1. *City of Melbourne Indigenous Framework 2007 – 2010*



City of Melbourne
INDIGENOUS FRAMEWORK
2007 - 2010

*The two key areas addressed by this Framework are:
Indigenous Culture and Heritage; and
Indigenous Social and Economic Development.*

August 2007

Contents

Lord Mayor's message.....	2
1. Purpose.....	3
2. Statement of Commitment 2007 - 2010	3
3. Background to the Framework	4
3.1 Role of the City of Melbourne.....	5
3.2 Role of our Indigenous Unit.....	7
3.3 Indigenous profile of Melbourne	8
3.4 Council Plan	9
3.5 How does the Framework fit with other Council strategies?.....	9
3.6 State and Commonwealth Indigenous legislation.....	9
3.7 How will the <i>Framework</i> be implemented?.....	10
4. Indigenous Culture and Heritage.....	10
4.1 Key Action Areas - Indigenous Culture and Heritage	12
5. Indigenous Social and Economic Development.....	13
5.1 Key Action Areas - Indigenous Social and Economic Development	15
6. Reporting requirements.....	16
7. Indigenous Advisory Committees.....	16
8. Related Information.....	17
8.1 Related documents (City of Melbourne).....	17
8.2 Related legislation	17
8.3 Other sites of interest and information.....	17
Appendix 1 - Actions relating to original Statement of Commitment	18
Appendix 2 - Past and current initiatives.....	19
Appendix 3 - Municipal plan.....	20
Appendix 4 - Fact Sheet	21

Lord Mayor's message

The City of Melbourne is proud to celebrate the rich and diverse Indigenous heritage and culture of Melbourne. Council acknowledges that Indigenous people are the Traditional Owners of the land, and is committed to embracing and respecting the city's unique Indigenous heritage. The City of Melbourne runs a wide range of services and programs that are a testament to this commitment.

While the path to reconciliation is a challenging one, it is one we will continue to travel. The City of Melbourne is committed to strengthening partnerships with the Indigenous community - both with Traditional Owners and the broader Indigenous community.

We believe that by working together we can achieve reconciliation. The development of the City of Melbourne Indigenous Framework 2007 - 2010 ('the *Framework*') is based on our commitment to these partnerships. Council sought advice and guidance from the Indigenous community in the creation of this *Framework* in order to understand and address issues important to the community and to build a positive and effective strategy for the future.

Council provides a range of services that support and promote Indigenous issues and needs. These work to improve access to information and services for the Indigenous community. An example of this work is the delivery of activities to promote reconciliation and community education during NAIDOC Week and Reconciliation Week each year.

The City of Melbourne is also proud to announce an Australian first - the *Code of Practice for Galleries and Retailers of Indigenous Art*. The Code provides galleries and shops in the central business district of Melbourne with guidelines on the ethical sale of Indigenous art.

As the local government of Victoria's capital city, we have to consider the needs of many different groups within the Indigenous community, including Traditional Owners and those who live in the city, as well as those who come to the city for work, study or fun.

We are a local government that can achieve great things. Working alongside the Indigenous community in Melbourne, I am confident our inclusive spirit and passion for our community will see us achieve reconciliation.

John So
Lord Mayor

1. Purpose

The aim of the *City of Melbourne Indigenous Framework 2007 - 2010* (‘the *Framework*’) is to provide guiding principles for implementing the City of Melbourne’s *Statement of Commitment* for the period 2007 - 2010.

The City of Melbourne signed a *Statement of Commitment* for the period 2003 - 2006. Recent consultations for our *Framework* have updated and amended the Statement to reflect the period 2007 - 2010.

While the fundamental principles contained within the Statement will remain unchanged, the intention of the *Framework* is to update the specific actions that the organisation will commit to addressing with the community beyond the initial guiding principles (see Appendix 1 for previous actions).

2. Statement of Commitment 2007 - 2010

Our *Statement of Commitment to Indigenous Australians* is the foundation for all that Council aims to achieve in its work with the Indigenous community. The revised *Statement of Commitment* and *Framework* development have been developed through extensive consultation with the Indigenous community and key stakeholders.

It states:

- The Council acknowledges that Indigenous Australians were the first people of this land and have strived to retain their culture and identity through the period of non-Indigenous settlement, for more than two centuries.
- The Council acknowledges and respects the customs and traditions of Indigenous Australians and their special relationship with the land.
- The Council acknowledges the right of Indigenous Australians to live according to their own values and customs, subject to Australian law.
- The Council recognises the valuable contribution to Victoria made by Indigenous people and will work towards a future of mutual respect and harmony.
- The Council recognises the value of the diversity and strength of Indigenous cultures to the heritage of all Australians.
- The Council recognises that family life is the core of Aboriginal¹ community life and that these family relationships, linkages and obligations involve particular sets of social and cultural obligations.

The Statement commits the organisation to advocate in conjunction with the Indigenous community for:

- The ideal of reconciliation with Indigenous Australians in the context of redressing their serious social and economic disadvantage.
- Indigenous and non-Indigenous people working together to progress reconciliation.

¹ ‘Indigenous and ‘Aboriginal’ are used interchangeably in this document reflecting differing desires of community members for an inclusive term.

- A commitment to the elimination of racism or discrimination ensuring the right of all our community to enjoy equal rights and be treated with equal respect.
- Recognition and protection of and respect for Indigenous sacred sites and special places.
- The education of the broader community about Aboriginal heritage and culture and the impacts of non-Indigenous settlement of this country.
- Advocacy on behalf of Indigenous members of our community to ensure that the principles and commitments of this statement are upheld.

3. Background to the *Framework*

The two Key Action Areas that will be addressed by the *City of Melbourne Indigenous Framework* are:

- Indigenous Culture and Heritage; and
- Indigenous Social and Economic Development.

The City of Melbourne has a long history of working with the Indigenous community. Since the organisation adopted its *Statement of Commitment to Indigenous Australians* in 1998, it has made significant improvements in the way it works to acknowledge country and celebrate Indigenous culture (see Appendix 2 for details).

In 2006, the draft *Indigenous Social and Economic Development Framework* and draft *Indigenous Culture and Heritage Framework* were presented to Council in August and September respectively. The aims of these strategic frameworks outline how Council will work with the community, and within its own organisation, to realise the principles articulated in the *Statement of Commitment*.

The intention is to deepen Council's links with the community beyond ceremony and acknowledgment and create long lasting partnerships designed to benefit future generations.

Following the public consultation period, it was identified that a collaborative response was the best way forward. The two draft frameworks will remain as background documents for the development of a single *Indigenous Framework* that will guide the work of the organisation from 2007 - 2010.

Melbourne's strategic *Framework* also responds to current state legislation, in particular the new *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007* which came into force on 28 May 2007.

The City of Melbourne is subject to changes in current state legislation namely the *Aboriginal Heritage Act 2006* which will establish, through an Aboriginal Heritage Council, Registered Aboriginal Parties (RAPs). The role of RAPs is to be the primary group responsible for cultural heritage within their areas. Whilst RAPs may be, or comprise of Traditional Owners, not all RAPs will be Traditional Owner groups, and therefore will not 'speak for country' in a way that Traditional Owner groups do.

Changes in the near future may require that our statement of acknowledgement be updated. This would be subject to decisions of the Aboriginal Heritage Council, Aboriginal Affairs Victoria.

3.1 Role of the City of Melbourne

The City of Melbourne is a local government that has responsibility for the municipality of Melbourne.

The elected council and the administration of the City of Melbourne perform functions and exercise powers prescribed by the *Local Government Act 1989* (*the Act*) and deliver a range of services to residents, business and visitors to the municipality. Section 3D (2) of *the Act* sets out that the role of a Council includes:

“(a) acting as a representative government by taking into account the diverse needs of the local community in decision making.”

Figure 1 City of Melbourne



Melbourne incorporates the following suburbs: Carlton; Carlton North; Docklands; East Melbourne; Fishermans Bend; Flemington; Jolimont; Kensington; Melbourne; North Melbourne; Parkville; Port Melbourne; Southbank; South Yarra; and West Melbourne. The municipality is 36.5km² and shares its borders with seven other councils.

Within these boundaries, the organisation offers the following services:

1. *Basic essential services* including: city safety; building planning; local laws; and waste and recycling.
2. *Community services* including community centres; maternal and child care; and support for people with a disability.
3. *Services for people out and about* including: events and festivals; parks and recreation; and tourism services.
4. *Cultural development services*: including: funding and grants; initiation and production of projects; mentorship and residency programs.

Unlike other Victorian local governments, the City of Melbourne also has a role to play as the state capital, nationally as part of a network of capital city councils and internationally through its sister city relationships.

The organisation has a responsibility to respond to the needs of Traditional Owners and as well as the broader needs of the Indigenous population that come here to 'do business' on a daily basis, The organisation works within its local government capacity to respond to community needs and aspirations as identified under the *Local Government Act 1989*. This can also include an advocacy and facilitation role regarding cultural, heritage, social health and wellbeing and economic issues.

Our Organisational Structure

The City of Melbourne has an organisational structure of five divisions, each led by a Director. Branches within these five divisions perform specific functions, collaborate on projects and share their particular knowledge and expertise across the organisation.

The Indigenous Unit and the Indigenous Arts Program are located in the Community and Culture Division. The Indigenous Unit is part of the Community Safety and Wellbeing branch.

3.2 Role of our Indigenous Unit

The Indigenous Unit (the Unit) is a planning/policy/advisory/service delivery focused unit. A key function of the Unit is to provide Council, management and staff with advice on Indigenous issues to ensure an effective whole of Council approach to Indigenous matters and to work towards stronger partnerships with the Indigenous community and key stakeholders.

The Unit is responsible for:

- Delivering services to the community with a focus on community education which is ongoing; largely takes place during two significant periods of the year for the Indigenous community being Reconciliation and NAIDOC week.
- Promoting Indigenous culture and the Reconciliation agenda in line with our *Indigenous Statement of Commitment* and National Reconciliation Action Plan, both managed by the Unit.
- Coordinating and monitoring the implementation of the organisation's Indigenous Cultural Awareness Program.
- Planning, monitoring and data collection through the Indigenous Public Space Program and more recently (as funded by the Federal Government) is responsible for the monitoring of Indigenous youth issues through identifying impediments in accessing mainstream services in the municipality.
- All programs relate to and complement existing organisational frameworks and strategies:
 - *Arts Strategy 2004 - 2007*
 - *Homelessness Framework 2007 - 2010*
 - *Strategy for a Safer City 2007 - 2010*
 - *Young People's Policy 2005 - 2009*

The Unit advises the organisation on culturally appropriate processes and is responsible for many of the activities listed in our *Statement of Commitment*. It is also a contact point for the Indigenous community, responding to a variety of issues across the organisation and providing an advocacy role to state and federal levels of government in highlighting issues of significance to the Indigenous community in the Melbourne Local Government Area.

The Team Leader and Policy Officer within the Unit are Indigenous and will develop organisational processes to help guide Council and staff in the consideration of all Indigenous issues and work towards aligning our practice with Victorian Government policy advice processes.

The Unit is proactive in raising cultural awareness through establishing an Indigenous profile for Melbourne, to include Traditional Owners and Indigenous Victorians who gather in Melbourne, as well as those who come to the city for work, study or fun. Through consultations Melbourne is described by many as the hub to the Victorian Indigenous community.

The work of the Unit is aligned to our Indigenous Arts Program which is managed by our Arts and Culture Branch. This program produces, supports and funds arts and cultural activities devised and delivered by Indigenous artists and communities, and supports reconciliation and better understanding of Indigenous issues in the wider community. Our *Code of Practice for Galleries and Retailers of Indigenous Art* also provides galleries and shops in the central business district of Melbourne with guidelines on the ethical sale of Indigenous art.

3.3 Indigenous profile of Melbourne

The Victorian Indigenous community is made up of a number of distinct communities across the State based on location, language and cultural groups, and extended family networks. Approximately 26 local communities are based in regional Victoria and 6 in key metropolitan areas where there are significant residential populations of Aboriginal people².

Based on Australian Bureau of Statistics estimates, the Indigenous population of the Melbourne metropolitan area in 1996, allowing for a ten per cent undercount³ was 13,441. This constitutes some 40 per cent of the Indigenous population of Victoria. Anecdotally, there is evidence that Indigenous people reside in the following suburbs of our municipality:

- Carlton, CBD, East Melbourne, Kensington, North Melbourne, Parkville, Southbank, South Yarra - St Kilda Road, West Melbourne.

As a capital city local government, the City of Melbourne considers the needs of all Indigenous stakeholders in Melbourne, which can include (amongst others):

- Indigenous Traditional Owners (as individuals and as groups, clans, tribes, etc);
- Indigenous residents (residing or not residing in existing dwellings);
- Indigenous community members;
- Indigenous businesses;
- Indigenous workers (City of Melbourne, government, Indigenous organisations), students, visitors;
- Government departments and agencies serving Indigenous people; and
- Indigenous and non-Indigenous community organisations and health and welfare service providers.

More research is needed to determine the exact number of Indigenous people living or visiting our municipality and to identify their issues, needs and priorities. An Indigenous Profile of Melbourne will help to inform future policy and service delivery decision making processes. The *Framework* through its advisory panels will ensure that a broad sector of the Indigenous community, both traditional owners and the broader community, have an opportunity to

² Source: Karen Milward Consultancy

³ The 1996 estimates across Victoria (21,474) were challenged by the Victorian Indigenous community as a significant underestimate of the population, with community estimates ranging between 30,000 and 40,000.

provide significant input and guidance towards the development and implementation of the key action areas.

3.4 Council Plan

The *Indigenous Framework* fits within the Council Plan 2005 to 2009, under the strategic objective of *Inclusive and Engaging City*. Under this objective, Council is committed to the following strategies:

3.2.02 *Develop and implement an Indigenous Social and Economic Development Strategy*

3.6.02 *Develop and implement an agreement with Traditional Owners and other members of the Indigenous community.*

The *Framework* provides a cohesive plan of action for addressing these strategies and objectives through a whole-of-Council approach.

3.5 How does the *Framework* fit with other Council strategies?

The *Framework* is the next step in the realisation of the principles and goals that were set out by the Council when it passed the organisation's *Statement of Commitment* in 2002.

There are a number of strategies across the Council that aim to develop better working relationships with the Indigenous community, most notably the *Arts Strategy* and the *Young People's Strategy*⁴.

However, fundamental to the implementation of the *Indigenous Framework* is the recognition that virtually all of Council's operations provide the City of Melbourne with an opportunity to act on its *Statement of Commitment*. For this reason, the *Framework* is intended to provide a whole-of-Council approach to working with the Indigenous community.

3.6 State and Commonwealth Indigenous legislation

The *Framework* is intended to outline how the Council will meet its unique responsibilities as a capital city and a local government.

In the implementation of this plan, the City of Melbourne is required to act within the legislative requirements imposed on it through the *Local Government Act 1989* and the *City of Melbourne Act 2001*.

There is currently change occurring in Indigenous policy at both the State and Commonwealth levels of government, particularly in regard to representative arrangements. From 28 May 2007, Aboriginal cultural heritage in Victoria is protected through the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2007*. This *Act* replaces Part IIA of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* and the *Archaeological and Aboriginal Relics Preservation Act 1972 (Vic)*⁵.

⁴ Young People's Strategy refer to www.melbourne.vic.gov.au

⁵ Source: Aboriginal Affairs Victoria

At the Victorian Government level the new Victorian Aboriginal Culture Heritage legislation will see major changes implemented to establish Registered Aboriginal Parties (RAPs)⁶ state wide that will have a role in the planning and land development process.

The *Aboriginal Heritage Act 2006* includes a mandated process for managing impacts on Aboriginal cultural heritage through Cultural Heritage Management Plans.

3.7 How will the *Framework* be implemented?

The *Framework* has implications for all operational areas at Melbourne City. The administration and reporting of the *Framework* will be undertaken by the Indigenous Unit, Community Safety and Wellbeing Branch.

The implementation of the culture and heritage aspects of the *Framework* will be shared across the Indigenous Unit, Development Planning and the Arts and Culture Branch. Areas relating to the expression of culture will be the responsibility of Arts and Culture, Development Planning will oversee regulatory controls for heritage protection and Design and Urban Environment will play a key role in design, development and management of parks and other public areas. Those areas relating to connection to country, Indigenous wellbeing, social and economic development will be the responsibility of the Indigenous Unit in guiding branches of the City of Melbourne in the development of action plans, involvement with a relevant advisory panel and to assist in establishing partnerships with the Indigenous community.

4. Indigenous Culture and Heritage

Culture is the way Indigenous people create a sense of self and identity, through a connection to family and community and experiences that form identity. Culture is 'how we create our sense of selves' and how we have a shared meaning and understanding of what it means to be a Melbournian, Greek Australian or more particularly what it means to be an Indigenous Australian.

Heritage can be described as cultural history – the places, stories and material items that express the past and help us to understand our place in the present and on the historical continuum that includes the future. Both culture and heritage can be embodied in physical things (for example in artworks and archaeological sites) or it can be more intangible (for example stories, memory and performance).

Everyone has an experience of culture and heritage, be it their own or others. How we experience culture and heritage will depend on our perspective and experience. Indigenous culture and heritage in the City of Melbourne will have different meaning for Indigenous people, City residents, and people from migrant backgrounds, domestic and international visitors as well as Council staff.

⁶ www1.dvc.vic.gov.au, go to Indigenous section to access Aboriginal Affairs Victoria site

For Indigenous people

For the Wurundjeri, Boonerwung, Taungurong, Djajawurrung and the Wathaurung speakers/groups Melbourne has always been a location of important culture and heritage places, as well as a place to meet, work and is a part of Indigenous culture/community. The City of Melbourne respectfully acknowledges that it rests on the land of Indigenous Traditional Owners. Today we are proud to say that Melbourne is a significant gathering place for all Indigenous Victorians.

The Indigenous understanding of the traditional cultural and heritage importance of the City will be deeper and more nuanced than that held by non-Indigenous peoples. This is particularly true of the Traditional Owner groups. Many (arguably most) of the Traditional Owners of Melbourne will not live within the City of Melbourne municipal area, but still exercise their right to speak and care for this part of their traditional country. A key action outcome of this *Framework* is the intention to negotiate protocols for welcome to country for key civic events with Traditional Owners.

The City may also be important to Indigenous people who have historical ties to Melbourne and to those who do not have traditional links with Melbourne, but who come to the City to work, study or access facilities. The City is a meeting place for Indigenous people as they come to participate in cultural events and celebrations.

For Melbourne's residents

Non-Indigenous residents of Melbourne may experience Indigenous culture and heritage through cultural events, protests and political action, sporting events and public spaces, such as Birrarung Marr. Place-naming and public art also contribute to an 'Indigenous presence' on the landscape. Their experiences in the City may be of local Indigenous culture, or they may be of Indigenous cultures across Australia. A significant proportion of the Melbourne community are first or second generation migrants, often from a non-English speaking background, and their experiences and understanding of Indigenous culture and heritage may vary again.

For visitors from across Australia and overseas

The City attracts many visitors from across Australia and overseas. Visitors may be seeking to learn about Indigenous culture and heritage and Melbourne provides a gateway to Victorian Indigenous culture. Tourism marketing strategies tend to focus predominantly on Northern Territory Indigenous culture. There is a need to promote the Indigenous profile for Melbourne through our capital city capacity and in partnership with the Indigenous community and key stakeholders. This has implications for the ability of Indigenous people in Victoria to feel recognised and may also increase opportunities in developing businesses to promote Victorian Indigenous culture across the state.

For the Council and its staff

The way in which Councillors and employees of the City of Melbourne understand and work to acknowledge Indigenous culture can have significant implications for the relationships that the broader organisation is able to build with the community.

This is particularly important when it comes to the delicate act of balancing the organisation's responsibilities to Traditional Owners of the municipal area with its role as a capital city local government, whose engagement with Indigenous communities extends beyond Melbourne.

Of key importance to any plans the City of Melbourne may have in regard to Indigenous culture and heritage is the implementation of the State *Aboriginal Heritage Act 2006*⁷ and the planned establishment of Registered Aboriginal Parties (RAPs). This will require changes to the way in which the Aboriginal Heritage Regulations are implemented within the City of Melbourne. It will also provide an opportunity to undertake a study of Indigenous cultural heritage and sites for the Melbourne municipal area in order to further contribute to the current site register maintained by the State Government.

4.1 Key Action Areas – Indigenous Culture and Heritage

For the period of 2007 - 2010, the City of Melbourne commits to the following key action areas:

- 4.1.1** Work with the State Government and the Indigenous community to ensure the City of Melbourne fulfils its statutory obligations in relation to cultural heritage management under the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007*.
- 4.1.2** Work with the Registered Aboriginal Parties (RAPs) in relation to culture and heritage matters as identified under the *Aboriginal Heritage Act 2006*. The *Act* provides processes within the limits of the planning process for working with RAPs.
- 4.1.3** Negotiate with Traditional Owners to determine protocols for welcome to country ceremonies at civic events.
- 4.1.4** Establish a network aimed at promoting Victorian Indigenous culture, tourism and economic development to include key Indigenous businesses and tourism operators, internal City of Melbourne branches including Arts and Culture, Tourism, Business, and Marketing, in partnership with initiatives of the state and commonwealth levels of government.
- 4.1.5** Support Indigenous community events through the implementation of an Indigenous stream to the City of Melbourne Community Services Grants Program.
- 4.1.6** Encourage expressions of culture from the Indigenous community through the implementation of existing actions identified in our *Arts Strategy*.

⁷ More information can be obtained from the Aboriginal Affairs Victoria website www1.dvc.vic.gov.au/aav/heritage/act2006/

- 4.1.7 Develop a plan for the recognition and interpretation of Melbourne's Indigenous heritage and culture that would be implemented through Council's urban design, place-making, public art and community and wider visitor programs.
- 4.1.8 Develop a framework and undertake a comprehensive study to identify and protect places of Indigenous cultural heritage significance, to expand the current limited understanding of Indigenous heritage values and the places recognised by Council and State Government and to involve Indigenous people in this process.
- 4.1.9 Create a greater visibility for Indigenous culture through the implementation of a place-naming protocol and signage guidelines.
- 4.1.10 Develop community information and awareness resources for residents, workers and visitors to the city to help them appreciate the importance of Indigenous culture and heritage to the city.

5. Indigenous Social and Economic Development

The Human Rights and Equal Opportunity Commission (HREOC) Native Title 2003 report affirms that many of the Commonwealth and State/Territory policies and programs are related to, or impinge on, native title and affect the economic and social development of Indigenous people's and their communities.

The HREOC report highlights that a whole-of-government approach, which integrates the responsibilities and policies of all the agencies concerned with providing services to Indigenous communities, is a very important element of achieving the sustainable development of Indigenous communities. It also notes the importance of the establishment of partnerships between governments and Indigenous communities.

In the policy framework for sustainable development, different levels of government play an important role by:

- facilitating the identification of development goals;
- assisting the Indigenous community to build upon its assets, skills and knowledge to achieve those goals;
- helping the group identify which aspects of its asset skills and knowledge base may need to be supplemented; and
- facilitating the community to monitor and evaluate those strategies it has adopted to achieve its goals.

The report notes that the key to success in the development of this partnership approach is that the dominant partner must be Indigenous people. The Indigenous community must determine its policy objectives and strategies and control the way they are achieved. Additionally, decisions to this effect must be conducted by means of processes and institutions which the community respects and which reflect the group's cultural values.

Second, the role of any level of government in this partnership is to facilitate and assist the group to achieve its goals, whilst allowing the Indigenous community to self manage community issues.

“At a local level, the Victorian Aboriginal Justice Agreement commits the Government to establishing planning forums that bring justice and related agencies, Aboriginal organisations and communities together to identify issues and develop strategies that address the needs of local communities. This process will involve local justice services working with Aboriginal community representatives and service providers to develop practical strategies that are based on local knowledge and resources. Therefore, at all levels of the justice system, changes will occur in how we recognise and involve Aboriginal communities in decision making and service delivery.

People working within justice agencies will be supported to better understand the history and culture of Victoria’s Aboriginal communities, and the issues underlying their current position. Aboriginal communities and organisations will be supported to develop the necessary knowledge and skills to take on an increasing role in crime prevention, promote citizenship rights, and deliver justice-related services.”

Source: Victorian Aboriginal Justice Agreement

Despite the limitations in the way the whole-of-government and partnership approaches have been applied in the past, development of recent responses provide an important foundation for economic and social development to occur in Indigenous communities at all government levels.

With this in mind, it is critical the City of Melbourne adopt its own and/or advocate for mechanisms to be put in place that allow mainstream services and government departments to actively connect with Indigenous people at the local level.

As well as playing an external advocacy role, there is also a significant need for internal reform as the organisation works towards finding ways of establishing productive working relationships with Indigenous communities. It is also important that identified areas of the organisation assist with playing a role with the Indigenous community to address social and economic development needs.

5.1 Key Action Areas – Indigenous Social and Economic Development

- 5.1.1** Research and develop an Indigenous Profile of Melbourne to assist the organisation to plan for Indigenous communities who live, work, and study and visit the City of Melbourne.
- 5.1.2** Expand the ongoing delivery of Indigenous Cultural Awareness Training for City of Melbourne staff.
- 5.1.3** Develop a whole-of-Council protocol for consulting with the Indigenous community.
- 5.1.4** Increase the skills and knowledge of staff working with the Indigenous community through an internal communications strategy.
- 5.1.5** Expand opportunities for economic development and partnership through initiatives such as the Small Business Grants and the network for promoting Indigenous Victoria.
- 5.1.6** Support the National and Victorian reconciliation movement through the implementation of an annual Reconciliation Action Plan and support of key events.
- 5.1.7** Establish an Indigenous funding stream in our Community Services Grants program.
- 5.1.8** Advocate for the ongoing safety and wellbeing of Indigenous people in public spaces.
- 5.1.9** Establish a work place culture that makes the organisation an attractive place for Indigenous people to work.
- 5.1.10** Improve opportunities for Indigenous Australians to undertake traineeships, apprenticeships and work experience with the organisation, to include retention and career development of current self identified Indigenous staff.
- 5.1.11** Improve access and information relating to community services, programs and facilities by Indigenous people coming to Melbourne from regional areas and interstate (whether for study, recreational, attending events, staying with family members, coming to work in Melbourne for the first time).

6. Reporting requirements

The Community Safety and Wellbeing branch will present an annual report to Council on the implementation of the *Indigenous Framework*. Detailed Action Plans will be implemented annually for areas listed in this document and managed or coordinated through the Indigenous Unit.

7. Indigenous Advisory Committees

The *Framework* will be implemented through four Indigenous Advisory Committees. Clear terms of reference and membership to each panel will be established to include City of Melbourne employees (within the relevant fields), Indigenous community members and Key Stakeholders. These panels will provide advice on Indigenous matters for the City of Melbourne:

- **Indigenous Culture and Heritage** – the panel will be made up of members of Traditional Owners who are recognised as having traditional association with the Melbourne Municipal area.
- **City Indigenous Working Group** – the panel will be made up of professionals working in relevant fields (for example youth agencies and police) and will consider both Indigenous and non-Indigenous issues relating to Public Space and social issues both internal and external to the City of Melbourne.
- **Indigenous Economic and Cultural Development** – the panel will be established to ensure an Indigenous cultural presence at major events, identification of marketing strategies for Indigenous tourism and business operators. The panel will be made up of Indigenous tourism and business operators within the City of Melbourne and will consider Indigenous Economic and Tourism development issues.

An **Indigenous Arts Advisory Panel (IAAP)**⁸ currently exists and is managed by the Arts and Culture Branch, Indigenous Arts Program Manager. The purpose of the panel is to provide advice to the Arts and Culture Branch and the Arts Advisory Board of the City of Melbourne on matters relating to Indigenous arts and culture.

⁸ For more information refer to the City of Melbourne website www.melbourne.vic.gov.au

8. Related Information

8.1 Related documents (City of Melbourne)

- Indigenous Culture and Heritage Framework
- Indigenous Social and Economic Development Framework
- Arts Strategy 2004 - 2007
- Homelessness Framework 2007 - 2010
- Strategy for a Safer City 2007 - 2010
- Young People's Policy 2005 - 2009

Copies can be obtained from www.melbourne.vic.gov.au or by calling us on (03) 9658 9658.

8.2 Related legislation

- *Aboriginal Heritage Regulations 2007*
- *Aboriginal Heritage Act 2006*

To access an up to date version of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007* online, go to www.legislation.vic.gov.au and from the Victorian Law Today menu select the Act and/or Regulations by name in the A-Z list.

8.3 Other sites of interest and information

Department Human Services
www.health.vic.gov.au/koori/

Department of Justice
Aboriginal Justice Agreement
www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Utility/Home

Aboriginal Affairs Victoria
www1.dvc.vic.gov.au/aav/heritage/act2006/

Appendix 1 – Actions relating to original Statement of Commitment

Actions listed under the City of Melbourne's original Statement of Commitment.

In consultation with the local Koori community, the Council will:

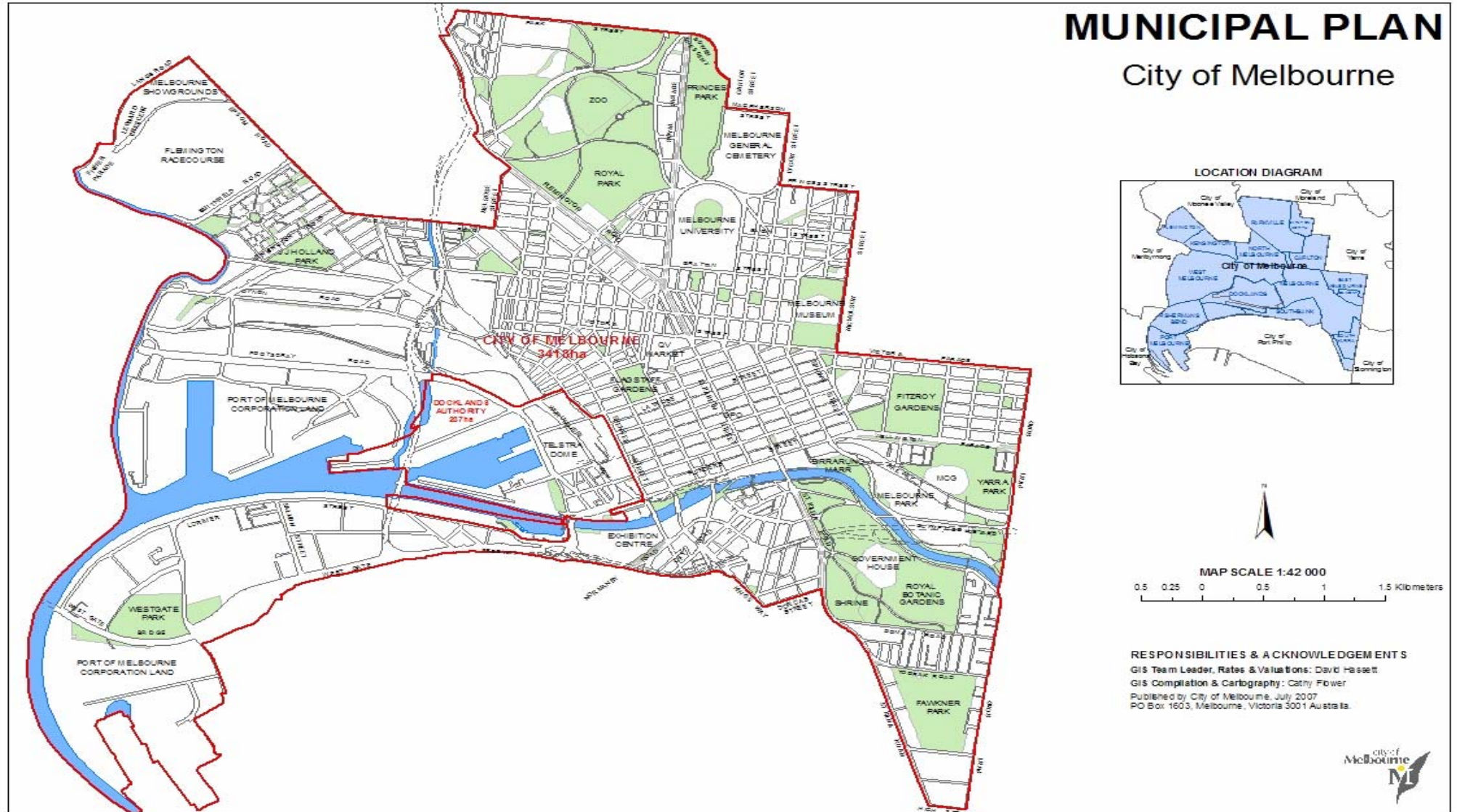
- Promote and present Koori cultural heritage, in a way that is sympathetic and responsive to the outcomes desired by the Koori Community;
- Identify and protect sites of Koori cultural significance within Melbourne City through the Melbourne Planning Scheme;
- Encourage applications from Koori businesses for assistance in the establishment or growth of enterprises within Melbourne City, acknowledging the guidelines of the Small Business Development Fund;
- Consider Koori naming of appropriate places within Melbourne City;
- Provide Koori Cultural heritage and business information through its information distribution channels;
- Adopt a Koori ceremony of welcome as an integral part of the City's formal ceremonial welcome on appropriate civic occasions;
- Highlight on the "Welcome to Melbourne" signage at the main entrances to the City, the traditional Koori identity of the land on which the City of Melbourne is located;
- Invite participation of and consultation with local Koori representatives, in the formal processes of local governance, through such avenues as the Aboriginal Consultative Group;
- Educate its own employees about the City of Melbourne Reconciliation Program;
- Investigate the prospect of Aboriginal participation in the Graduate and School Leaver Schemes;
- Ensure regular reporting, program evaluation and an annual update and reaffirmation of the commitment to these initiatives;
- Seek advice and take effective action on issues of social and community concern, where they lie within the sphere of interest and responsibility of local government.

Appendix 2 – Past and current initiatives

Past and current initiatives undertaken by the City of Melbourne in conjunction with the Indigenous community

The City of Melbourne has undertaken a number of initiatives that reflect its broad commitment to the Indigenous community and these have included:

- Signing of a Memorandum of Understanding that sets out the terms of the partnership between City of Melbourne and Reconciliation Victoria;
- Signing a Funding and Service Agreement with Reconciliation Victoria to support a part time administration position to 2009;
- Establishment of the Indigenous Unit which comprises three Indigenous staff within Community Safety and Wellbeing branch;
- Development of an *Indigenous Employment Strategy* that aims to increase the number of Indigenous employees and trainees at City of Melbourne;
- Implementation of *Cross Cultural Awareness Training Program* for Councillors and Staff;
- Establishment of protocols that acknowledge Traditional Owners;
- Development of an Indigenous Advisory Committee to replace the Aboriginal Consultative Group;
- Establishment of the Indigenous Arts Advisory Panel;
- Annual celebration of NAIDOC Week;
- Annual Reconciliation Week and Sorry Day Events;
- Establishment of the Indigenous Arts and Culture program;
- Establishment of an annual Indigenous Arts funding round, including a Quick Response Scheme.
- Development of a Funding and Service Agreement with Youth Projects Inc. for an Indigenous Public Space Officer position to December 2006; and
- Participation in various forums and working groups with direct or indirect benefits e.g. City Indigenous Working Group, City of Melbourne Police and Service Providers Forum, Smith Street People Committee, MAV Indigenous Network and the DHS North and West Metro Indigenous Services Forum.



Appendix 4 – Fact Sheet

Aboriginal Heritage Act 2006 Aboriginal Heritage Regulations 2007

This new regime seeks more effective protection of Aboriginal cultural heritage and to ensure Aboriginal people are included in the decision making process.

Aboriginal heritage is protected generally (eg. when discovered during the course of excavation or sites that are already known through listing on the Victorian Aboriginal Heritage Register). A **Cultural Heritage Permit** from Aboriginal Affairs Victoria (AAV) is required in a few circumstances, relevant to us is that a permit is required to 'carry out an activity that will or is likely to harm Aboriginal Cultural heritage'. This used to be called Consent to Disturb. If a place is listed on the Aboriginal Heritage Register, a permit is required from AAV who are responsible authority.

Local councils now have a bigger role with a **new** system of **Cultural Heritage Management Plans (CHMP)**. There is a new process of strategic assessment to manage Aboriginal heritage, rather than relying just on late stage permit process. Local government is expected (although this is not explicit in the Act) to advise applicants when they need to prepare a CHMP. The **triggers** to prepare a CHMP are:

- If the land is in an area of cultural heritage sensitivity that has not previously been disturbed
- If all or part of the activity is a high impact activity.

Areas of cultural heritage sensitivity are areas that have the potential for containing Aboriginal cultural heritage places & objects. These **include**:

- a Registered Cultural heritage place or land within 50m of a registered cultural heritage place (Registered on the Heritage Register).
- Within 200m of a waterway
- Parks (national parks)
- Coastal crown land

High impact activities include:

- Three or more dwellings on a lot
- Construction of works which would result in significant ground disturbance where such disturbance has not already occurred. (defined as disturbance of topsoil or surface rock layer of ground or waterway)
- Construction of infrastructure such as roads, railways and tracks
- Subdivision of land into three or more lots
- Subdivision into two or more lots where industry is permitted on one of the lots.

Is the activity an exempt activity?

A cultural heritage management plan is not required for exempt activities (minor works or unavoidable works). Exempt activities are:

- Construction or extension of one or two dwellings on a lot
- Buildings and works ancillary to a dwelling (fences, garages, paths)
- services to a dwelling
- alterations to buildings
- minor works (fences, temporary stages)
- demolition (of a building)
- consolidation of land
- subdivision of an existing building
- emergency works

So likely examples of activities that will require a CHMP include development that will require an EES (mines, freeways, rail developments) or larger scale residential or industrial subdivisions on areas of cultural sensitivity which have not been previously significantly disturbed).

Easy online test to check if a CHMP is required:

Bookmark test which takes you through the triggers:

- is it an exempt activity?
- Is it a high impact activity?
- Does it involve significant ground disturbance?
- Is it an area of cultural heritage sensitivity that has not been subjected to past significant ground disturbance?

CHMP Test:

http://www1.dvc.vic.gov.au/aav/heritage/management_plans/index.htm#Tool and scroll down to **Aboriginal Heritage Planning Tool**.

Cultural Heritage Management Plans

Are required for high impact activities in sensitive areas. It is a written report which assesses whether a project will have any impact on Aboriginal cultural heritage values and outlines management recommendations to protect the heritage. It can also specify what measures are required to mitigate impact before during and after an activity. The Plan is paid for by the proponent (called a sponsor).

Plans must be approved by the 'Registered Aboriginal Party' under the Act. Approval will be based upon whether the activity avoids harm to Aboriginal cultural heritage, or includes a plan to mitigate the harm. AAV acts as the RAP until the RAPs for each local council are appointed.

Where management plans are prepared and approved, permits to AAV are not necessary for works undertaken in accordance with the plan. The regulations specify who may prepare plans, their form and content.

The plan must be evaluated by the RAP within 30 days. Some planning permits and statutory authorisations cannot be granted for activities requiring preparation of a CHMP before the plan is approved. The Planning clock does not start until approved plan is lodged. Council cannot issue a permit that is inconsistent with the approved plan. Once a Cultural Heritage Management Plan is approved by the RAP it must be lodged with the Secretary for Victorian Communities to take effect.

There are appeal rights to VCAT.

It is not likely development in Melbourne will frequently trigger the requirement to prepare a plan.

The form, content, who can prepare the plans and how they are approved is all prescribed and information is on AAV's website. For enquiries, see also Information Sheet on AAV website on CHMPs: <http://www1.dvc.vic.gov.au/aav/heritage/infosheets/info%20sheet%20CHMPsv2.pdf>

Cultural Heritage Permits

The Permits system has not changed significantly except now there is formal process for referral to the RAP.

Cultural Heritage Permits from AAV are required for activities that will harm (injure, damage, deface, desecrate or destroy) Aboriginal cultural heritage.

This includes activities such as: exposing or uncovering Aboriginal places or objects, excavating land for scientific research on Aboriginal heritage, carrying out activities that will or are likely to harm, Aboriginal heritage or buying or selling Aboriginal heritage.

Permits are referred to the RAPs. If the RAP objects to a permit (on prescribed grounds in the regs) the Secretary must refuse to grant a permit. Approval may be granted with conditions.

How to tell if a Permit or Plan is required?

A plan is required if the subject land is in an area of cultural sensitivity that has not been disturbed and if the activity is a high impact activity.

Permit arrangements allow smaller activities that may harm Aboriginal heritage to proceed while minimising or negating their impact. Cultural heritage permits may be sought for activities that do not require a Cultural heritage management plan.

A permit cannot be granted for an activity which requires a CHMP.

Where are the areas of cultural sensitivity?

It is highly unlikely that these regulations would have a significant impact upon development in the City due to the high incidence of previous disturbance. Even our parks and wetlands or areas which were set aside as public land post-contact are largely altered or created landscapes. If part of an area, such as a park, was subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.

Find out if a site is listed on the Aboriginal Heritage Register?

Until we have this on E-view, the applicant must apply to AAV to see whether a site is affected by listing on the AHR. Form at: http://www1.dvc.vic.gov.au/aav/heritage/vic_heritage_register/Heritage%20Register%20-%20Application%20for%20Advice%20-%2026%20June%202007.pdf

The Amendment and the VPPs

The VPPs will be amended to link to the Act to the Scheme. (right click, open hyperlink)



Aboriginal Heritage Act 2006



Aboriginal Heritage Regs 2007

FINANCE ATTACHMENT

**ENDORSEMENT OF CITY OF MELBOURNE INDIGENOUS FRAMEWORK
2007-2010**

The financial implications are contained in the body of the report.

In the event that the additional EFT identified is approved and no corresponding savings are identified to offset the EFT cost, an unfavourable impact on the Budget Surplus approved by Council in June 2007 will arise.

Joe Groher
Manager Financial Services

LEGAL ATTACHMENT

**ENDORSEMENT OF CITY OF MELBOURNE INDIGENOUS FRAMEWORK
2007-2010**

The subject matter of the report and the recommendation are within the functions and powers of the Council.

Section 3C(1) of the *Local Government Act 1989* (“the Act”) provides that:

“The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.”

Further, section 3D(2) of the Act sets out that the role of a Council includes:

“(a) acting as a representative government by taking into account the diverse needs of the local community in decision making;”

Kim Wood
Manager Legal Services