

Registration of Aboriginal Parties

FACT SHEET

HOW IS A RAP APPOINTED?

The Victorian Aboriginal Heritage Council registers Aboriginal parties (RAPs) under the *Aboriginal Heritage Act 2006*. Council's published Criteria for Assessing Applications, note the following appointment criteria:

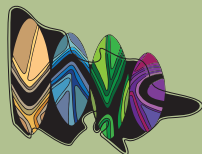
- The following types of groups will automatically be registered as a RAP:
 - A corporation representing Native Title Holders with a Native Title determination or Agreement over the whole application area; and
 - Traditional Owner Group Entity (per the *Traditional Owner Settlement Act 2010*).
- If there is a corporation representing Native Title Holders no other applicant can become a RAP for that area, except another registered native title holder for that area.
- Other areas Council will consider when assessing applications from a corporation representing Traditional where there is no native title determination or *Traditional Owner Settlement Act 2010* agreement:
 - the terms of any existing Native Title Agreements, if available
 - whether and to what extent applicant represents the Traditional Owners of the area
 - whether the applicant is a body representing Aboriginal people that have a historical or contemporary interest in Aboriginal Cultural Heritage relating to the area, and expertise in managing and protecting Aboriginal Cultural Heritage
 - any land grants or land management agreements to which the applicant is a party in the area
 - the application of the Victorian Charter of Human Rights and Responsibilities;
 - the capacity of the applicant corporation to carry out its functions under the Act; and
 - any other matter the council considers to be relevant

The *Aboriginal Heritage Act 2006* also allows for the Victorian Aboriginal Heritage Council to vary the boundary of a RAP once it is appointed. When the Council considers varying a RAP boundary it also considers:

- whether the RAP represents the Traditional Owners for the area proposed to be included in the RAP boundary;
- the views of any other Traditional Owners who assert an interest in that area;
- whether the RAP has the capacity to carry out its functions under the Act for the new area; and
- the application of the Victorian Charter of Human Rights and Responsibilities.



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COUNCIL



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