

FIRST NATIONS CULTURAL HERITAGE PROTECTION

True respect for the oldest living culture on earth means returning sacred sites to Traditional Owners and strengthening laws to protect heritage.

First Nations people have lived on Country in what we now call Victoria for tens of thousands of years. Across the land there are many significant, sacred cultural sites for First Nations people. Our current laws are failing to properly protect these sites from desecration and destruction. In recent years, we saw this with the threat to sacred Djab Wurrung birthing trees and the desecration of the Sacred Eel.

When developments occur, such as a highway or a mine, Traditional Owners are often asked to make impossible choices between destruction of one site of cultural significance or destruction of another in the cultural heritage management plan. When they do say no to a development, their decision can be overturned by VCAT thanks to weak laws that prioritise development over First Nations rights. In some cases, the Traditional Owners can be bypassed altogether in the consultation process.

Further, many sacred and culturally significant sites are on private land, which limits Traditional Owners' ability to ensure their protection and practice their culture.

With the Treaty process underway in Victoria, it's high time we properly honour the heritage and the rights of the oldest living culture on earth.

The Greens will work with First Nations people to fundamentally strengthen First Nations cultural heritage laws to better reflect the rights of all Traditional Owners to Free, Prior and Informed consent, to self-determination and to veto proposals that threaten sites of high cultural or heritage significance. We will support the return of land through the Treaty process and through a \$1 billion private land buyback fund. We will work to deepen community understanding of First Nations cultural heritage and language through schools and in communities.

THE GREENS' PLAN:

- ▲ **A \$1bn private land buyback fund**
- ▲ **Rights to veto destructive developments on sites of high cultural significance**
- ▲ **Strengthening cultural heritage protection laws with self-determination rights**
- ▲ **Deepening teaching of First Nations cultural heritage and language**

PAYING FOR OUR PLAN

The Greens will make the big banks, property developers and the gambling industry pay their fair share of tax so we can invest in climate action, affordable housing and public services for all.

Our plans will also be paid for by spending smarter and making our state borrowings work for the community.

\$1 BILLION LAND BUYBACK FUND FOR TRADITIONAL OWNERS

Many First Nations sacred sites are on private land in Victoria. This means the Traditional Owners have limited access to them for cultural practices and limited ability to ensure their proper protection.

It's time we return sacred sites to First Nations communities. Returning land is fundamental to restitution for the illegal invasion of this land. The Greens strongly support the Treaty process returning land to First Peoples, however it may take years to reach Treaty agreements for some groups. We need to better protect First Nations' cultural heritage now!

The Greens will establish a \$1 billion trust. This trust could generate over \$255 million in funds over the forward estimates, and more in perpetuity, to be used for buying back sacred sites on private land and returning them to Traditional Owners. The allocation of these funds will be by a grant application process, with decisions made by the First Peoples' Assembly of Victoria. This fund could form an

important part of the Treaty processes' Self-Determination Fund. Applications will be open to all Nations and Clans within Victoria.

STRENGTHENING CULTURAL HERITAGE LAWS AND RIGHTS TO SAY NO TO DESTRUCTION

When developments, such as a highway or a mine, occur on a site identified under current laws as one of cultural heritage sensitivity, proponents of the project are required to notify Registered Aboriginal Parties (RAPs) of their plans and to develop a cultural heritage management plan.

While the Aboriginal Heritage Act and associated laws offer some protections for First Nations heritage, they fall short in many ways.

Traditional Owners are not directly consulted in the preparation of the plan and are often asked to make difficult choices between destruction of one site of cultural significance or destruction of another in the development of the agreed cultural heritage management plan.

This is because the law only requires the negative impacts to be minimised, if they can't be avoided altogether. When Traditional Owner groups disagree with aspects of a plan or say no to a development due to its threat to their sacred heritage, they can be forced into dispute resolution processes and expensive VCAT court cases, where their decision can be overturned due to the weakness of our laws that favour development over irreplaceable heritage.

In some cases, if the Traditional Owners are not formally recognised by the government, or they do not respond within the 14 day period to the notice of the proposal, they can be bypassed altogether in the consultation process and decision making is handed to government bureaucrats.

The Greens believe the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and self-determination must be enshrined in the laws to protect First Nations heritage. Our laws should properly reflect Free, Prior and Informed consent of Traditional Owners.

Thus the Greens will consult and work with First Nations communities on reimagining and strengthening the First Nations cultural heritage protection laws.

We will consult on developing a pathway forward and amendments to legislation so that Traditional Owners who are not a Registered Aboriginal Party can be formally recognised and secure the same rights and resources to protect their cultural heritage in accordance with the UNDRIP.

We will also ensure all Traditional Owner groups, whether they be RAPs or non-RAP Nations, are the lead group consulted with by

State and Local Government and can't by-passed.

We will ensure Traditional Owners, not just Heritage Advisors, are directly consulted as experts in the development of the cultural heritage management plans.

Importantly, we will ensure that Traditional Owners have rights to say no (also known as veto rights) to developments that threaten to harm, damage or destroy sites of high cultural significance, without being taken to court¹.

If such laws were in place today across Australia, the Juukan Gorge and the Djab Wurrung sacred trees would be protected.

DEEPENING TEACHING OF FIRST NATIONS' CULTURAL HERITAGE AND LANGUAGE

For too long the mainstream story of this country and the history taught in schools has been white-washed. First Nations culture and history has been largely erased. We have been taught of the largely peaceful 'settlement' of this land as a British colony. This narrative is far from the truth of the illegal invasion, and the attempt to wipe out First Nations people and cultures. It has also shown little respect for First Nations cultures today.

In the context of a history of dehumanising racism and human rights violations of First Nations people, it is imperative that we take very strong steps, with open hearts, to learn

¹ Veto rights would only apply to developments that require a cultural heritage management plan under the Aboriginal Heritage Regulations 2018 as their plans are likely to impact on a site of cultural heritage sensitivity, and where the impact on Aboriginal heritage is deemed by Traditional Owners to threaten harm to sites of high cultural significance. It would not apply to individual homes or small developments.

about and show respect for First Nations cultures.

While in recent years there have been some improvements in the education system and in our community, there is still much to do. With the Yoorrook Justice Commission now under way, it is time to recommit to ensuring the truth of our history is properly told and embedded in Australia's culture, education systems and landscapes.

The Greens will consult with the First Nations communities and the Yoorrook Justice Commission to develop a plan for First Nations culture, history and languages to be better included in the Victorian school curriculum. This could be centred around an introduction to First Nations language sessions, truth-telling, stories of resistance and the real impacts of our colonial history on First Nations peoples.

We will also work to ensure that over time, in consultation with Traditional Owners and local communities, that the names, monuments, symbols, celebrations and histories told about our communities better reflect and respect First Nations culture.

We continue to demonstrate our commitment to this with our leadership in the renaming of Merri-bek Council and our strong opposition to the erasure of the Maroondah Hospital name, which the Labor Government plans to rename in honour of Queen Elizabeth II.

WHAT IS ABORIGINAL CULTURAL HERITAGE?

According to the Victorian Aboriginal Heritage Council, 'Aboriginal Cultural Heritage' refers to the knowledge and lore, practices and people, objects and places that are valued, culturally meaningful and connected to identity and Country. It shapes identity and is a lived spirituality fundamental to the wellbeing of communities through connectedness across generations. Our Cultural Heritage has been passed from the Ancestors to future generations through today's Traditional Owners, whose responsibilities are profound and lifelong.²

FIND ALL OUR POLICIES:

greens.org.au/vic/platform

² Taking Control of Our Heritage, Victorian Aboriginal Heritage Council, 2021, <https://content.vic.gov.au/sites/default/files/2021-04/Taking%20Control%20of%20Heritage%20Web.pdf>