

Ongoing Protection Declaration

Ghow Swamp Aboriginal Place

Information Sheet 1

FREQUENTLY ASKED QUESTIONS ABOUT THE ONGOING PROTECTION DECLARATION

Has the Minister made an Ongoing Protection Declaration for Ghow Swamp?

Yes. The Minister for Treaty and First Peoples, the Hon Gabrielle Williams, has used her powers under section 103 of the *Aboriginal Heritage Act 2006* to make an Ongoing Protection Declaration (the Declaration) for Ghow Swamp Aboriginal Place. The Declaration specifies the measures to be taken to protect Ghow Swamp Aboriginal Place. The Minister is satisfied that Ghow Swamp is an Aboriginal place, and that the Declaration is appropriate, having regard to the importance of maintaining the relationship between Aboriginal people and the place. This follows a consultation process where all persons considered likely to be affected by the proposed Declaration were given the opportunity to make written submissions. The Minister also consulted the Victorian Aboriginal Heritage Council.

When does the Declaration commence?

The Declaration was signed on 28 September 2002. It came into effect when it was published in the Victorian Government Gazette on 6 October 2022 (the commencement of the Declaration) and is ongoing. A copy of the Declaration is also being published in the Riverine Herald (Echuca), the Country News and the Koori Mail.

How will the Declaration be enforced?

The Declaration will be enforced primarily by Authorised Officers and Aboriginal Heritage Officers who are appointed under the *Aboriginal Heritage Act 2006*. These officers have powers to assess compliance and investigate reports of harm to Aboriginal cultural heritage.

Authorised Officers under the *Impounding of Livestock Act 1994* may also enforce the Declaration with respect to restrictions on livestock access to Crown land. Compliance monitoring will be a collaborative effort across public land management agencies.

What are the penalties for breaches to the Declaration?

Breaching an Ongoing Protection Declaration carries a maximum penalty of up to 1800 penalty units for an individual (equivalent to \$332,856, as of 1 July 2022) and up to 10,000 penalty units for a body corporate (equivalent to \$1,849,200, as of 1 July 2022).

What did the Minister take into account when she made the decision?

The Minister took into account that Ghow Swamp is a registered Aboriginal place, and the importance of maintaining the relationship between Aboriginal people and the place. In doing so, she considered the findings of the 2019 Ghow Swamp Aboriginal Cultural Landscape Conservation Management Plan. She also considered her consultations with the Victorian Aboriginal Heritage Council and all written submissions made to her on the proposal to make the Declaration.

What happens now?

Activities can continue at Ghow Swamp Aboriginal Place so long as they are consistent with the protective measures set out in the Declaration.



How do I know if my activities are consistent with the protective measures in the Declaration?

Below is a summary of the protective measures in the Declaration. For a full version, refer to the Declaration document directly. Identify if you are involved in any of the listed activities highlighted in blue and what the Declaration says about any limitations in how they can be conducted.

Containing the water storage operations and other infrastructure within existing footprints	
The responsible water corporation	<ul style="list-style-type: none"> - can continue to use Ghow Swamp Aboriginal Place as a water storage facility including constructing or upgrading associated infrastructure, ancillary services or works as long as these activities occur within their existing footprint (the area occupied at the commencement of the Declaration). <i>refer to Measure 1</i> - is responsible for operating and maintaining water channels, including a cut, within the existing footprint (the area occupied at the commencement of the Declaration). <i>refer to Measure 2</i>
A license holder for an existing licensed water pump or irrigation outlet located on Crown land and/waters	<ul style="list-style-type: none"> - can continue to use, maintain, or replace an existing water pump and/or irrigation outlet, however: <ul style="list-style-type: none"> ▪ works must be within the existing footprint (the area occupied at commencement of the Declaration) of that water pump, irrigation outlet or its ancillary infrastructure, and areas of land/waters outside this footprint must not be disturbed ▪ works must not include the excavation of soil beyond the immediate suction line extraction point ▪ extension of an existing suction line beyond the existing footprint to the extent necessary to access water must not involve ground disturbing works ▪ vehicle access is allowed to the water pump and/or irrigation outlet for maintenance or replacement works if there is no reasonable alternative. <p><i>refer to Measure 3</i></p>
A service provider	<ul style="list-style-type: none"> - can maintain or upgrade an existing transmission line or service on Crown land and/waters at Ghow Swamp within the existing footprint (the area occupied at the commencement of the Declaration), and new transmission lines, services or works are not allowed outside the existing footprint. <i>refer to Measure 4</i>
Fence construction and maintenance to demarcate and contain Crown lands	
The Public Land Manager	<ul style="list-style-type: none"> - is responsible for fencing the Crown land boundary between the Crown land foreshore and private land, and gates may be installed, removed or repositioned in consultation with the Registered Aboriginal Party(ies).



	<i>refer to Measures 7 and 8</i>
<p>A neighbouring private landowner or occupier</p>	<ul style="list-style-type: none"> - is responsible for maintenance of the section of the Crown land boundary fence that separates their land from Crown land, unless an alternative arrangement is in place with the public land manager, and where there is no Crown land foreshore the private landowner or occupier must prevent livestock from entering or remaining on Crown land and/waters with a stock proof fence on the freehold property. <p style="text-align: right;"><i>refer to Measure 7</i></p>
<p><i>Limitations on modes of access and use of Crown land and waters</i></p>	
<p>All persons</p>	<ul style="list-style-type: none"> - can still access Crown land and waters at Ghow Swamp, but the following activities cannot be undertaken: <ul style="list-style-type: none"> ▪ access by livestock (owners are responsible for ensuring livestock are not found trespassing on Crown land and/or waters) ▪ horse-riding ▪ interference with Crown land boundary survey pegs, fencing and/or gates other than by the neighbouring private land holder and/or public land manager for necessary maintenance. <p style="text-align: right;"><i>refer to Measures 5, 6, 7 and 9</i></p> ▪ removing, destroying or lopping native vegetation, including dead native vegetation or introducing non-Indigenous flora. <p style="text-align: right;"><i>refer to Measure 10</i></p> ▪ access by vehicles unless they are on a road or a public parking area. <p style="text-align: right;"><i>refer to Measures 11 and 12 iv</i></p> ▪ ground disturbing activities including removal or disturbance of soil or sediments ▪ camping, lighting or maintaining of fires (including any barbeque unless it is an electric barbeque) and firewood collection ▪ hunting and related activities ▪ recreational vessel launching, landing, loading or unloading (including with the assistance of a motorised vehicle) outside any recreational facility designated for that purpose by the public land manager, however human-powered craft are allowed when there is no use of a motorised vehicle to launch, land, load or unload that craft ▪ storage, discharge or disposal of litter, dangerous litter and waste ▪ agricultural activity and installation/storage/use of agricultural related infrastructure, materials and waste, vehicles and machinery. <p style="text-align: right;"><i>refer to Measure 12 i-vii</i></p>



Prohibition of exploration and mining activity

All persons

- are prohibited from undertaking exploration or mining, extraction or production of gas, petroleum, mineral, stone and other substances on any land within Ghow Swamp Aboriginal Place.

refer to Measure 14

What is Ghow Swamp Aboriginal Place and why is it important?

Ghow Swamp is a large wetland located about 215 kilometres northwest of Melbourne, near the township of Leitchville in northern Victoria. The swamp is oval-shaped and covers an area of about 28km².

Ghow Swamp has been an immensely significant place for Aboriginal people for tens of thousands of years. The relationship of Aboriginal people with the swamp is reflected in the rich cultural heritage located within and around the swamp and the continued Traditional Knowledge and associations Aboriginal people hold with the Aboriginal place.

This includes campsites, where stone artefacts scatters, and the remains of cooking hearths have been recorded. The swamp is also the location of culturally scarred trees; Aboriginal people removed bark to manufacture canoes, containers and shields. Of immense significance, Ghow Swamp is also a location where a large number of Aboriginal people were laid to rest over many thousands of years. These Aboriginal Ancestral burials are associated with landform features at Ghow Swamp that include lunettes, kow sands and cohuna silts. The Aboriginal Ancestral burials are internationally significant and considered to be the world's largest grouping of late Pleistocene age Ancestral burials found in one location. They have been radiocarbon dated to between 9,300 and 13,000 years Before Present and may be much older.

Who are the Traditional Owners for Ghow Swamp?

The Yorta Yorta peoples are the Traditional Owners at Ghow Swamp and are the Registered Aboriginal Party under the *Aboriginal Heritage Act 2006* for most of the area. Further information can be found at <https://yynac.com.au/>

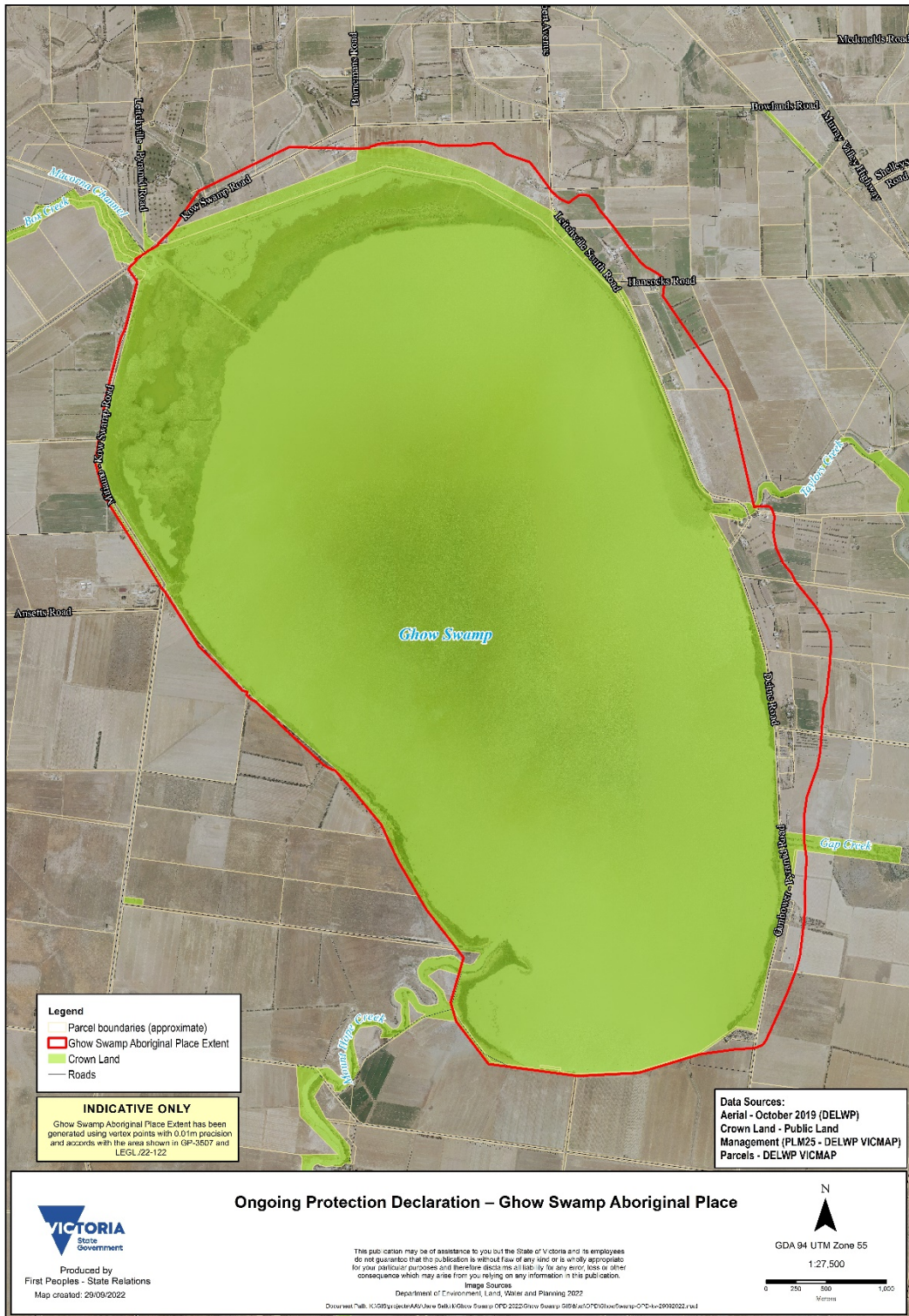
Other Traditional Owners in the wider region also have connections and associations with Ghow Swamp.

Why is a Declaration needed at Ghow Swamp?

A range of activities have impacted on the highly significant and fragile Aboriginal heritage at Ghow Swamp Aboriginal Place and degraded its irreplaceable cultural heritage values, including the environmental values.

While all Aboriginal cultural heritage is protected under the *Aboriginal Heritage Act 2006*, the Declaration specifically identifies and limits those activities that have been causing harm at Ghow Swamp Aboriginal Place.

All of the measures in the Declaration relate to activities on Crown land only, except for one, which prohibits mining and exploration on both Crown land and private land. The Declaration supports the protection of significant Aboriginal cultural heritage, while ensuring landowners, public land managers and the public can continue to interact with and enjoy the landscape in a way that is appropriate and consistent with the requirements of the *Aboriginal Heritage Act 2006*.



Where can I find out more information?

You can find further guidance on how to avoid harm to Aboriginal cultural heritage and comply with the *Aboriginal Heritage Act 2006* on the website of First Peoples State Relations at: <https://www.firstpeoplesrelations.vic.gov.au/aboriginal-culture-and-heritage>

Or you can contact First Peoples State Relations by phone on 1800 762 003.