

Ongoing Protection Declaration

Ghow Swamp Aboriginal Place

Information Sheet 2

FREQUENTLY ASK QUESTIONS FOR LANDHOLDERS AND THE LOCAL COMMUNITY

Aren't most of the activities prohibited by the Declaration to protect Aboriginal heritage already not allowed?

Yes. Most of the prohibited activities that relate to public use of Crown land (such as littering or dumping; de-pasturing livestock; digging, taking firewood and removal of native vegetation) are already not allowed under a range of existing Crown land management mechanisms or regulations. However the proposal does specify greater controls over vehicle access.

The Declaration makes these prohibited activities on Crown land clear to visitors and enables clearer enforcement regarding prohibited activities.

Does the Declaration still allow public access to Ghow Swamp?

Yes. The public can still access Crown land and waters at Ghow Swamp. Vehicles must remain on a road or within a public parking area.

Does the Declaration reduce community access to the site?

Access to Ghow Swamp from public reserves continues, with the Declaration outlining steps that public land managers, Traditional Owners, neighbours and the community will take to protect the cultural and environmental values of Ghow Swamp. People can continue to visit the area for picnics, photography, birdwatching, fishing and other recreational activities that do not impact the values of the Aboriginal place. The Declaration measures must be observed when visiting Ghow Swamp.

Will the Declaration change what activities can be undertaken on private land?

No, except for prohibiting exploration or mining, extraction or production of gas, mineral, stone and other substances.

Stone includes sandstone, freestone or other building stone, basalt, granite, limestone or rock of any kind ordinarily used for building, manufacturing or construction purposes, quartz (other than quartz crystals), slate, gravel or clay (other than fine clay, bentonite or kaolin), peat, sand, earth or soil, or other similar materials.

Does the Declaration add any other restrictions on how I can use my private land?

No. Other than prohibiting exploration or mining, extraction or production of gas, mineral, stone and other substances, as above.





Will the Declaration mean people will access the Ghow Swamp foreshore through my private property without my authorisation?

No. Private land holder permission will continue to be sought if there is a need to access Crown land and/waters through private property from public land managers or authorised officers. Landholder instructions relating to accessing their land (for example, whether tracks are suitable, closing of gates, presence of stock, etc) will be respected.

Does the Ongoing Protection Declaration (the Declaration) make any changes to water operations at Ghow Swamp?

No. The Declaration does not make any changes to the way Ghow Swamp is managed to harvest, store and release water for entitlement holders.

Can I maintain my water pump or irrigation outlet and the services that connect it?

Yes. Continued use of an existing licensed water pump or irrigation outlet on Crown land or waters within Ghow Swamp Aboriginal Place by the licence holder is allowed. The Declaration requires this infrastructure to remain within its existing footprint, unless a cultural heritage permit is granted to carry out an activity that will or is likely to harm Aboriginal heritage, consistent with existing requirements under the *Aboriginal Heritage Act 2006*.

Who do I talk to if the water channel or cut I use to access water is silting up?

Goulburn Murray Water (GMW) is the responsible water corporation with responsibilities for operating and maintaining water channels, including cuts. Any works must be within the existing footprint and comply with any requirements of the *Aboriginal Heritage Act 2006*.

Is there financial support available for alternative stock watering if my stock can't access the swamp?

North Central Catchment Management Authority has funding available to landholders to contribute to alternative stock watering at Ghow Swamp through the native fish recovery plan <https://www.nccma.vic.gov.au/resources/publications/native-fish-recovery-plan-irrigators>

What if new services need to be installed on Crown land/waters in the future

A cultural heritage permit under the *Aboriginal Heritage Act 2006* could allow extension or repositioning of these services beyond the footprint, if that is necessary in the future.

What if the fence installed by the public land manager is not adequate for my stock?

Crown land boundary fencing installed to date at no cost to the landholder is to a 'stock proof' standard and will assist landholders to comply with the Declaration. However, the Declaration does not prohibit the landholder from making arrangements regarding improvements to fencing with the public land manager in relation to their individual circumstances.

What if my horses stray onto Crown land?

The first line of prevention should be maintenance of fencing. In what should be uncommon circumstances, where a breach takes place, then landholders could discuss with the public land manager the most appropriate access to retrieve horses.

Will Ghow Swamp Aboriginal Place still be available for fishing?

Yes. Under the Declaration you can still fish at Ghow Swamp – either from land or from a human-powered craft such as a canoe, kayak, rowboat, surf-ski or stand-up paddle board – provided there is no use of a motorised vehicle to launch it.



Why can't I launch a boat using a car and trailer?

There is currently no facility at Ghow Swamp that supports boat launching with a motorised vehicle. Future decision making around this matter is not part of this Declaration. Any future infrastructure would require a Cultural Heritage Permit consistent with the existing requirements of the *Aboriginal Heritage Act 2006*.

Why can't I continue to launch my boat from anywhere on the foreshore?

The use of motorised vehicles to launch boats from informal access areas around the Ghow Swamp foreshore is creating erosion and harming Aboriginal heritage.

How will pest plants and animals on Crown land and/or waters be managed?

Public land manager(s) continue to be responsible for management of Crown land and/or waters at Ghow Swamp. Goulburn Murray Water and the Department of Environment, Land, Water and Planning hold these responsibilities for specific areas at Ghow Swamp. Local landholders also have a part to play in managing these issues. The Declaration allows for reasonable land management to occur, including weed and pest control. There has also been a Cooperative Management Agreement in place between Yorta Yorta Nation Aboriginal Corporation (YYNAC) and the State of Victoria since 2004, involving Yorta Yorta people in decision making for certain areas of Crown land, including Ghow Swamp. Along with other agreements and partnerships, the Yorta Yorta people already work with Government departments and agencies to care for Country.

What does the red line on the Declaration maps mean?

The red line on the Declaration maps shows the registered area of Ghow Swamp Aboriginal Place (VAHR 7726-0534). It is the same area to which the Declaration applies, because the purpose of the Declaration is to protect Ghow Swamp Aboriginal Place.

Why does Ghow Swamp Aboriginal Place include private land?

Ghow Swamp has been an immensely significant place for Aboriginal people for tens of thousands of years. The cultural heritage values associated with Ghow Swamp Aboriginal place include tangible and intangible values, as well as landform features such as the lunette, kow sands and cohuna silts that are known to contain highly sensitive Aboriginal Ancestral burials. These values extend across both public and private land.

How long has Ghow Swamp been a registered Aboriginal place?

The Department of Premier and Cabinet is required to maintain a register (the Victorian Aboriginal Heritage Register or 'VAHR') of known Aboriginal places and objects under the *Aboriginal Heritage Act 2006*. Aboriginal cultural heritage is protected from harm under the *Aboriginal Heritage Act 2006* regardless of whether it has been registered.

Aboriginal heritage at Ghow Swamp has been documented on the VAHR (including its predecessor register established under the former *Archaeological and Aboriginal Relics Preservation Act 1972*) since the 1970's. Information on the VAHR is regularly updated as new information becomes available, including most recently at Ghow Swamp in 2015 and 2019. Registration of Ghow Swamp Aboriginal Place predates the making of this Declaration by many years.



How can I find out if an Aboriginal place, Aboriginal object or Ancestral remains have been registered on my property?

Landholders are authorised to access the Victorian Aboriginal Heritage Register for information about Aboriginal cultural heritage on their properties, by application. You can apply online at <https://achris.vic.gov.au/#/applicationforaccesscenter> or phone the Heritage Registry on **1800 762 003** to ask for an application form to be posted to you.

Can I continue to farm my property?

Landholders can continue to farm their properties (for example grazing of stock, cropping), however, like everyone else in Victoria, those activities must not harm Aboriginal cultural heritage. If a 'high impact' activity is planned for any land in Victoria, there are clear processes in place under the *Aboriginal Heritage Act 2006* to guide landholders on how to comply with the Act.

Won't any Aboriginal heritage be gone if my property has been intensively farmed?

No. Aboriginal cultural values can be tangible and intangible. Prior activities do not necessarily diminish those values.

How can I make sure the activities I undertake on my property comply with the *Aboriginal Heritage Act 2006*?

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

Or you can contact FPSR by phone on 1800 762 003

Additional *Frequently Asked Questions* relating to the operation of the *Aboriginal Heritage Act 2006* are also available on FPSR's website at <https://www.firstpeoplesrelations.vic.gov.au/proposed-ongoing-protection-declaration-ghow-swamp-aboriginal-place>