

The Hon. Gabriel Williams MP  
Minister for Treaty and First Peoples  
C/O First Peoples State Relations  
Department of Premier and Cabinet  
1 Treasury Place  
EAST MELBOURNE VIC 3002



By email: [aboriginal.heritage@dpc.vic.gov.au](mailto:aboriginal.heritage@dpc.vic.gov.au)

16 September 2022

Dear Minister,

**RE: Ghow Swamp Aboriginal Place – Ongoing Protection Declaration**

I write with regard to the proposed Ongoing Protection Declaration for the Ghow Swamp Aboriginal Place in Northern Victoria.

Over the past year the VFF has established a relationship with First Peoples - State Relations and the Federation of Victorian Traditional Owner Corporations (FVTOC) to assist in building the awareness of cultural heritage and providing information to farmers about the *Aboriginal Heritage Act* and the Cultural Heritage Management Plan process.

The aim of this work has been to provide a better understanding to First Peoples - State Relations on agricultural practices and to provide farmers with the information needed to make informed decisions. This work is still being undertaken.

The VFF acknowledges the cultural sensitivity of Ghow Swamp Aboriginal Place and the existence of culturally sensitive sites in the area. We believe processes undertaken by government to protect these areas provide the opportunity to engage with and educate adjoining landholders on the cultural values of the site and empower them to be able to identify and proactively manage sites on their land.

To this point, the VFF has also made submissions in relation to how to improve consultation with private landholders when undertaking cultural heritage assessments on Crown land during the Cultural Heritage Management Plan for Lake Tyrrell in the Mallee district. This process led to significant distress due to failure to properly consult with neighbours and inaccuracies in assessment materials. Therefore, the VFF seeks confirmation that a notice has been sent to all landholders adjacent to Ghow Swamp and to any license holder that may be impacted by the proposed ongoing protection declaration.

In this instance the VFF is pleased to see that the proposed order clearly states the prohibition of agricultural practices does not extend to freehold land and that existing pumps and infrastructure can be maintained. We hope that there can be sensible arrangements in place for the replacement of infrastructure within a wider envelope as the area is likely to meet the test of significantly disturbed land.

In relation to fencing, the government's current policy is for voluntary fencing. This recognises a range of scenarios where fencing may not be appropriate due to environmental and animal welfare concerns. The VFF seeks an assurance that alternative stock watering will be provided to any party with an existing right under Section 8 of the *Water Act 1989* through direct and indirect access to Kow Swamp.

The content of the Management Plan was made available to the VFF as part of the Lake Tyrrell consultation. This allowed the VFF to comment on content that was applying to management of private land that was not by a qualified party. It is difficult to fully submit on this proposal without access to the assessments. If the Management Plan for Ghow Swamp Aboriginal Place contains content with recommendations or commentary wider than the Crown land, the VFF requests that this should be made available to the parties that it applies to.

The VFF has previously recommended that there be better internal and procedural guidance relating to the giving of notices and natural justice where a process under the *Aboriginal Heritage Act* may impact private land. The VFF reiterates its willingness to work with DELWP, FVTOC and First Peoples - State Relations to identify protocols for studies where they are proposed to apply to public and private land.

Thank you for the opportunity to provide this submission. The VFF remains committed to assisting all levels of government in developing policy that has good agricultural outcomes and welcomes and encourages industry engagement.

Your sincerely,



**Emma Germano**

President

Victorian Farmers Federation

cc: The Hon. Gayle Tierney MP, Minister for Agriculture

The Hon. Harriet Shing MP, Minister for Water