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20 April 2020

The Minister for Aboriginal Affairs
C/- Aboriginal Victoria
GPO Box 2392
Melbourne Victoria 3001

Re: Submission for proposed interim protection declaration at Dyurrite 1

Dear Minister,

Thank you for the opportunity to provide feedback on the proposal for the interim protection declaration issued for a Barengi Gadjin Aboriginal place known as Dyurrite 1. We are providing a response to include our concerns, to request clarification as well as to apprise you of how this will affect recreational users of this space.

We would like to begin by requesting an extension to the consultation period due to the fact that Australians are suffering an unprecedented global pandemic with the Coronavirus which is extensively disrupting society and our economy. This is a trying time for all of us and additional time to provide responses would be extremely appreciated.

We also understand that Traditional Owners are reluctant to divulge the location and detail of cultural heritage, as is their legal right, but it is extremely challenging to make an informed submission without being privy to more detail about what cultural heritage exists at 'Dyurrite 1' that needs to be protected.

We refer to the following statements in italics as made on the engage.vic.gov.au website regarding this proposal in order to gain clarification:

Statement 1 - Location

"Dyurrite 1 is located on the west side of Centenary Park Road (GDA 94 Easting co-ordinate 576020, Northing co-ordinate 5930699) located on Crown Allotment 80A, Parish of Arapiles, at Mt Arapiles-Tooan State Park, described as a fallen block from an adjacent rock outcrop."

- This location is being described as Taylor's rock (Declaration Crag) in various communications however the above description contradicts this. The references provided for the location and protective perimeter of the declared area are inconsistent and misrepresented.

Statement 2 - Affected area

"The proposed interim protection declaration will affect an area of approximately 300m². A copy of the proposed Approved Form and a plan of the Aboriginal place, known as Dyurrite 1... "

- Please clarify the exact location and the size of the protection zone around the declared area as the provided maps seemingly show approximately 1200m² which is in strong conflict to the 300m² stated. In our view, 300m² is an excessive protection area and it should not be a necessary measure to take given several existing examples of how recreation and Aboriginal Heritage have respectively co-existed.
- We please ask that putting a legally enforceable zone in place is reconsidered as this is an unwarranted measure. Furthermore, any exclusion zone required around cultural heritage sites should be thoughtfully determined and I refer to one of the best practice examples with appropriate distances demonstrated in Arapiles:

The 'Plaque Rock Art Site' in Arapiles, located not far from the declared area outlined above, has an observed exclusion zone of approximately 59.5m² around this site. It has been successfully preserved without any impact by climbers and other park visitors without the need for an interim protection order with enforced restrictions.

We also refer to the statement in italics as made on the www.aboriginalvictoria.vic.gov.au website to express our concern:

Statement 3 - Breach of a protection declaration

"Breaching stop orders or protection declarations: The maximum penalty is 1800 penalty units for an individual and 10,000 penalty units for a body corporate. From 1 July 2019 to 30 June 2020, the penalty is \$297,396 for an individual or \$1,652,000 for a corporation."

- Using exorbitant fines is not a reasonable measure which may unnecessarily lead to backlash from the community. This is an inconceivable fine for a space that is only meters from the road where any unsuspecting park visitor could unknowingly be penalised for "breaching the protection declaration".

In summary, cultural heritage has remained unharmed in the Mount Arapiles-Toosan State Park under existing arrangements, with hundreds of thousands of visitors over many decades, without requiring exclusion fences, set-aside determinations or other formal prohibitions.

We request that more explanatory signage is put in place to provide visitors more information to learn more about cultural heritage at this site so that it can be celebrated rather than be 'locked away'. Our aim is as yours, to protect and preserve cultural heritage throughout Australia.

Other key points:

- The site in question (if in fact Taylor's Rock/Declaration Crag) is crucial for commercial guiding due to its easy access and easy routes. This is particularly important for accessibility groups looking to access this site for all recreational activities.
- The more we exclude natural resources in accessible locations from Victorians, the more the government is inhibiting mental wellness, stress relief, and failing to encourage people to conduct in physical activity.
- What is the purpose of the exclusion zone when the site is already protected by 'The Aboriginal Heritage Act 2006' whether in a special protection zone or not. This covers any harm caused by individuals or corporations to an Aboriginal site and there should be no need to fence off or bar access to it. As mentioned above, there is a current example where climbing and a significant cultural site currently co-exist with no exclusion zone (to the right of the Plaque wall at Arapiles) which has been respectfully protected without need of fencing or a ban.

We strongly recommend that the climbing community should act as stewards in assisting with the protection of cultural heritage and the environment. We have an attested legacy in acting as responsible stewards at the Arapiles-Toosan State Park for the last 60 years and are proud of our respect for cultural and heritage values.

Finally, we would like to please request to you, the Minister of Aboriginal Affairs and to Aboriginal Victoria, to appeal and advocate for representation from the appropriate Aboriginal group/s as well as to have climbing representation to attend any assessment performed in this area.

Summary recommendation

It is the opinion of the ACAV Committee, that the proposed interim protection declaration is unnecessary, the area proposed is quite excessive, and the potential fines are completely unreasonable. We are concerned that should this proposal be adopted, there will be community backlash which would not be helpful to the goals of preserving cultural heritage and would be a detriment to reconciliation in general. We, therefore, strongly suggest that the Minister reconsiders this proposal.

Thank you for your time in reviewing these important points from our organisation and we look forward to seeing the collaborative outcomes for all users in the park.

Yours sincerely,

Committee Secretary
Australian Climbing Association (Vic) Inc.