

Ongoing Protection Declaration for the purposes of the *Aboriginal Heritage Act 2006*

SECTION 1 – Identification of Aboriginal place or object

I *Jeanette Powell*, Minister for Aboriginal Affairs, pursuant to section 103(1) of the *Aboriginal Heritage Act 2006* ('the Act') am satisfied that:

Moyjil Aboriginal place, also known as Point Ritchie ("Moyjil Aboriginal place") (MGA Zone 54/GDA 94 Easting co-ordinate 631710 Northing co-ordinate 5748534), located on Crown Allotment 11, Section 4A, Parish of Wangoom Township of Warrnambool, and described as the rocky headland and west rock stack which form at the western side of the mouth of the Hopkins River, on the eastern edge of Warrnambool, South West Victoria, and extending inland into the dune system encompassing a total area of 1.361 hectares, as shown on the attached map, Gazetted Plan 3324 (refer to Plan No. LEGL/13-023 lodged in the Central Plan Office for dimensions of the land):

- is an Aboriginal place; and
- it is appropriate having regard to the importance of maintaining the relationship between Aboriginal people and the Aboriginal place, that an ongoing protection declaration be made in relation to this Aboriginal place.

This Aboriginal place is currently recorded on the Victorian Aboriginal Heritage Register as Aboriginal place number 7421-0006.

SECTION 2 – Protective measures to be taken

The following measures are required to be taken to protect the Aboriginal place or object the subject of this declaration

Applying to all persons:

- i. Ground disturbing activities and, in particular, activity involving the removal of soil or sediments is not to be carried out in Moyjil Aboriginal Place.
- ii. Public access within and around Moyjil Aboriginal place is to be restricted to signposted roads, carparks, paths and walking tracks and the beach foreshore.
- iii. Persons are not permitted to climb the west rockstack or the rocky headland cliff face in Moyjil Aboriginal Place.
- iv. Camping, picnicking and the lighting of fires within Moyjil Aboriginal Place are prohibited. This prohibition does not apply to areas designated by Warrnambool City Council within Moyjil Aboriginal Place for such activities.
- v. Domestic animals and livestock are not permitted to enter Moyjil Aboriginal Place other than within signposted [designated] roads, carparks, paths and walking tracks or beach.
- vi. Native trees, plants or grasses in Moyjil Aboriginal Place must not be destroyed or removed and no trees, grasses or plants other than local Indigenous flora may be planted.
- vii. Exploration or mining, extraction or production of gas, petroleum, minerals or other substances or the establishment of any transmission line or other reticulated services or works must not be carried out at Moyjil Aboriginal place.

Applying to the Warrnambool City Council

- viii. Designated roads, carparks, paths and walking tracks are to be signposted by the Warrnambool City Council and maintained by the Warrnambool City Council in a manner that communicates the protective measures required by this Declaration.
- ix. Paths, other than signposted roads, carparks, paths and walking tracks, are to be monitored, and if required, closed and rehabilitated by the Warrnambool City Council and relevant agencies.
- x. Fencing is to be installed within the declared area by the Warrnambool City Council in line with the recommendations of the *Point Ritchie Precinct, Warrnambool Conservation Management Plan February 2013* ('the CMP').

Applying to all persons responsible for land management of Moyjil Aboriginal place, including the Department of Environment and Primary Industries

- xi. Moyjil Aboriginal Place is to be managed in accordance with the CMP, and any document amending, replacing or substituting the CMP.

None of the specified prohibitions and restrictions apply to:

- a) works undertaken to the extent necessary for reasonable fire protection, water monitoring, land management and weed and pest control. However, these activities must be undertaken with reference to the CMP and in consultation with the Traditional Owners;
- b) the preservation of Aboriginal cultural property and continuation of Aboriginal cultural practices by the Traditional Owners, as it relates to the Aboriginal place; or
- c) heritage protection, management, research or investigation works undertaken in accordance with a cultural heritage permit granted under the *Aboriginal Heritage Act 2006*.

Note: Signs are to be erected notifying of the making of the declaration, explaining the significance of the area and setting out the prohibitions and restrictions in the declaration.

SECTION 3 – Commencement of ongoing protective declaration

This ongoing protection declaration takes effect on the date which it is published in the Government Gazette.

Signed:


[Minister]

Date of issue: 1 / 8 / 13

** It is an indictable offence under section 108 of the Act to do an act or fail to do an act that contravenes this ongoing protection declaration, where the person knew of the existence of this declaration, or was reckless as to its existence, unless the conduct was necessary because of an emergency.*