

**Submission by the  
Prospectors and Miners  
Association of Victoria Inc.**

**to the  
Draft Joint Management Plan  
for the  
Dja Dja Wurrung Parks**



**19<sup>th</sup> June 2018**

## Background

The Prospectors and Miners Association of Victoria Inc is a voluntary organisation formed in 1980 to represent the interests of prospectors and smaller-scale miners in this Golden State.

We represent the 14,500 holders of Victorian Miners Rights.

We receive no government funding or assistance so we have struggled to prepare this submission in the limited time available.

We are disappointed that the focus of the Draft Plan is only on Dja Dja Wurrung social and cultural issues. Park management is now being used for Aboriginal justice and land rights. The Draft shows little consideration of its impact on others. Additionally, only very limited space is given to the more serious environmental responsibilities of park management.

## Introduction

**To say we are disappointed with the proposals to restrict prospecting from another 13,500 hectares of Central Victoria's goldfields is a serious understatement.**

We are hurt, angry and frustrated that the entire focus is on what is deemed to be in the interests of the Dja Dja Wurrung with little consideration of its impact on prospectors and other park users.

This attitude will do nothing to improve reconciliation and will breed resentment and distrust, especially with the knowledge that the exclusion of prospecting will be ongoing – the Plan says so.

No-one argues that the Aboriginal people have not had a hard time in the past but the proposal to ban prospectors does nothing to improve matters.

However, we would like to congratulate the authors of the Draft Joint Management Plan on their intentions to improve the social and economic wellbeing of the Dja Dja Wurrung people by increasing the training and skills thereby creating more meaningful employment in Central Victoria – an area of high unemployment and disadvantage.

We note that the Victorian indigenous population has gone from 25,000 in 2003 to 47,800 in the 2017 Census or 0.7% of Victoria's population of 6.26million.

This represents a large number of young Aboriginal people with justified aspirations of a quality job and the security and satisfaction that goes with it.

These aspirations are supported by all Australians. We share these aims and we are pleased to note that already 7% of Parks Victoria and DELWP staff is indigenous.

Bendigo's Aboriginal population is about 1400 or 1.6% of the local population. This figure has nearly doubled since 2001.

In the ECC's Box Ironbark Final Recommendations, the region was promised a dramatic increase in the number of tourists and jobs to offset those lost in traditional industries such as timber harvesting, eucalyptus distillation and mining when more national parks were introduced but this has not happened.

Unfortunately youth unemployment in the Bendigo Region is 16.2% (Bendigo Advertiser 26.3.18).

### The Strategy Document.

My involvement with the PMAV has been 30 years in duration. I am an 'Elder' of the prospecting and mining industry and my knowledge is often sought by others.

I am honoured to have been appointed President Emeritus in recognition of my ongoing participation and have been on numerous Government boards and committees representing prospectors and miners.

As a result, I have an in-depth knowledge of the aspirations of miners and prospectors and am well qualified to prepare this submission on their behalf.

I am also known for being blunt so have no problem saying the following. I found this document to be indulgent and self-serving; there is no real detailed strategy on how the land is to be managed, how the environment is to be improved, how pest plants and animals are to be addressed or little acknowledgement of the aspirations of anyone other than the Dja Dja Wurrung.

I am well-experienced with reading Park Management Plans and this Plan just doesn't measure up to those from the past. The expenditure on full page colour photos must have been enormous when compared with sensible, basic, but to the point, past plans. What has been gained by this change?

The main attraction of these Parks is that they are world famous goldfields yet there is not one photo of gold in the entire Strategy.



### Is This Just the Beginning?

38% of Victoria is public land (VEAC 2015). This is land set aside for public benefit.

Victoria has 8 million hectares of public land made up as follows:

- 4.115 million ha of national and state parks and other reserves – where all mining and most prospecting is excluded.
- 3.1 million ha of state forests where we are permitted, but 90% of this is in Gippsland. Only a relatively small amount of the public land in Central Victoria within state forests has any goldfields. See VEAC Map B State Forest Reserve Status in their Statewide Review of 2016 for details.
- 780,000 ha (approx.) of beaches, recreation reserves etc.

Present campaigns for more National Parks to be created include 120,000 hectares in VEAC's Central West Investigation. This was started by the Victorian National Parks Association demands for the Wombat State Forest, Wellsford State Forest and Mt Cole/Pyrenees area. We are very concerned that any new Parks arising from VEAC's Investigation will be subject to Aboriginal Joint Management and prospecting will again be excluded.

The VNPA's demands don't stop there. Their wish list of new parks and reserves would have just about all of the public land in the Central and Western part of the State locked away from productive use and many recreational activities.

Most goldfields are already in parks and reserves. If the VNPA's campaigns are successful our exclusion would be almost complete.

The campaign underway to create the Great Forest National Park would see another 355,000 hectares of public land east of Melbourne added to the park system; again excluding timber production, grazing, mining and prospecting.

The Strategy P78 has the demand that all Crown land in the agreement areas become Aboriginal title. This involves some 266,500 hectares in this area and is of serious concern to us.

P13 calls for *all current and new parks and reserves to be transferred to the DDJMB.*

Page 79 J3. *Develop and implement a strategy to effectively transition the operational capacity of Parks Victoria in the DDW Parks to DDWCAC (Dja Dja Wurrung Clans Aboriginal Corporation).*

Where is the inclusion of others?

## Process

There is a massive imbalance of power and influence between those proposing these changes and the ordinary people who will be the losers.

The Dja Dja Wurrung (through the Dhelkunya Dja Land Management Board) controls the whole management plan process from start to finish and we don't even know who we are dealing with.

**While Board members are named in the document there are no biographies to explain their background or what they bring to the process. We looked on the website and there is nothing there either. How can we have any confidence in the Board's decision making process when we don't even know who they are? Are the Community Representatives truly representing the broader community or a narrow interest band?**

DDLMB has:

- Government funding,
- knowledge,
- staff,
- time,
- paid consultants
- CSIRO assistance
- Parks Victoria assistance
- access to academics
- access to lawyers
- backing of government
- assistance of environmental groups.

Page x of the Strategy document contains the following acknowledgements – how can a small voluntary organisation compete?

## ACKNOWLEDGEMENTS

This Draft Joint Management Plan (Draft Plan) was prepared by Dhelkunya Dja Land Management Board (DDLMB), assisted by a CSIRO-led Consortium including Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC), Dja Dja Wurrung Enterprises (DDW Enterprises, trading as Djandak) and Conservation Management. The DDLMB members are: Graham Atkinson (Chairperson); Doug Humann AM (Deputy Chair); Marlene Burchill; Dr Janet Mahoney; Trevor Miles; Rebecca Phillips; and Rick Kerr. We would like to acknowledge the invaluable work of the Board's staff in supporting the development of the Draft Plan: Michele Braid (Senior Project Manager); Evonne Gabriel (Secretariat Officer); and Tony Christianen (Chief Finance Office). We would also like to acknowledge the co-investment and support from all the organisations in the Consortium, and the staff who worked on the project: Dr Ro Hill, Dr Leah Talbot, Ms Nat Raisbeck-Brown, Ms Rowena Bullio, Dr Cath Moran and Mr Darran King (CSIRO); Dr Nathan Wong, Steve Jackson and Robyn Bowden (DDW Enterprises); Rodney Carter, Barbara Huggins and Jim Brooks (DDWCAC); and Stuart Cowell, Dr Heather Moorcroft and Philippa Walsh (Conservation Management). We acknowledge the wonderful support and assistance provided by Parks

Victoria to many aspects of the development of this Draft Plan. The support and advice received from the Department of Environment, Land, Water and Planning has been critically important, and is much appreciated.

Even more, we would like to thank the many Dja Dja Wurrung individuals who contributed through Focus Groups and for their ongoing roles in connecting with and shaping their Country. We acknowledge and thank the DDWCAC for its outstanding support for the DDW People to maintain, strengthen and represent their roles on their Country. We also acknowledge and thank the many stakeholders who contributed to this Draft Plan through their attendance at Information Sharing Workshops, meetings and input to the online survey.

The Board is also grateful for the support of Bush Heritage Australia, the North Central Catchment Management Authority, and a range of other organisations who are enthusiastic to play a role in the implementation of Joint Management in the future.

Additionally the DDLMB are:

- Proposing these changes
- Campaigning for these changes (rather than conducting consultations)
- Investigating their own demands
- Controlling the information given to the public
- Controlling the public consultations.
- deciding on the recommendations they give to Government
- and they are the beneficiaries of all the changes they are proposing.

It is clear the DDLMB are too close to make balanced and impartial decisions.

There is a clear conflict of interest; there is no procedural fairness and a basic denial of natural justice.

Where is the independent review of these important changes to the park management plans?

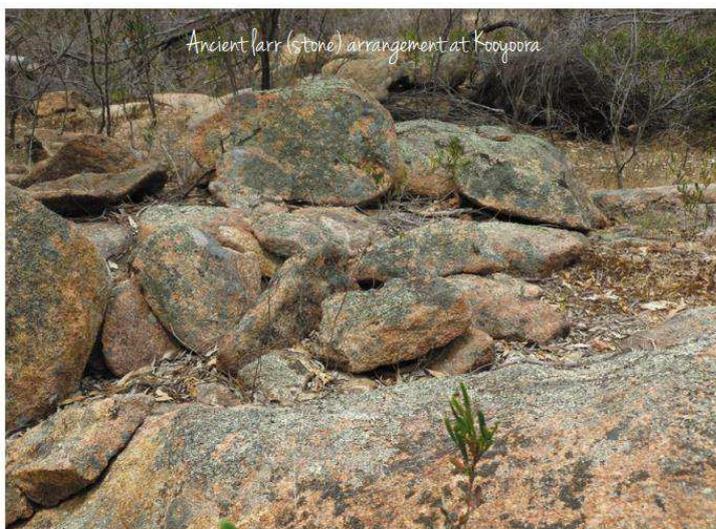
**There is no way to respond, comment or complain about the final plan – even if it is totally different to the Draft. We fell foul of this in the ECC’s Box Ironbark Investigation when the area and number of national parks was doubled after public comment was closed. We lost large areas of access for prospecting as a result.**

The Draft only has one point of view. Therefore only one outcome can be achieved. There are no alternatives shown for discussion of sensible and acceptable management of our recreational activities. The only proposition put forward is to ban them.

**There has been no consideration of the possibility of lifting prohibition of prospecting already in place.**

Community awareness of the existence of the Plan has been lacking. The Board has failed to inform the stakeholders who have the most to lose. Advertising in local papers is not enough when many people who enjoy prospecting in these parks are not local. Even locals are not necessarily aware – we asked a question on Sunday 17<sup>th</sup> June about the plan to a geologist colleague who lives in the area. This was the first time he had heard of the Draft.

The Dja Dja Wurrung are to be asked for advice on many issues, but no other stakeholders. Others too have knowledge of the land; yet there is no opportunity for involvement of affected stakeholders contained in the Plan.



We asked our geologist colleague for advice on this picture from the Strategy document.

Dr Allan Rossiter wrote a Ph.D. thesis on Victorian granites (including the Kooyoora Granite) and wrote the granites chapter in the latest Geology of Victoria volume. He states: "I have examined thousands of natural granite outcrops during a long geological career and I see no evidence that members of the species *Homo sapiens* had anything to do with the rock arrangement on P. 17 of the Strategy Report".

For many thousands of years these areas have been subject to bushfires, over the last 200 years they have also been used extensively for mining, timber production, firewood, charcoal production, sheep and cattle grazing, eucalyptus production, gravel and stone, honey, prisoner of war camps, reservoirs, dams and water races, hunting and various other forms of recreation.

The Bendigo forests were almost cleared for the mines during the early rushes and charcoal production in World War II to produce gas for vehicles.

The proposition that a bit of recreational fossicking in these areas is now suddenly going to have a significant and substantial effect on artefacts and Aboriginal owners' rights and culture is absurd.

### Significant Sites

Not every single, tiny piece of evidence of past occupation should be used to exclude prospectors.

Significant sites are places such as:

- Rock wells
- Caves
- Stone arrangements (granite boulders)
- Shell middens (found near rivers and lakes)
- Areas of spiritual significance
- Stone scatters
- Stone Shelters
- Scar trees
- Grinding Rocks

We note that the Registered Aboriginal Places cited in the Resources document (page 40) as being located as follows:

Greater Bendigo National Park- scarred trees, scattered artefacts and hearths (21 Places)

Hepburn Regional Park - none

Paddys Ranges SP - none

Kara Kara NP – scattered artefacts, rock wells and scarred trees (16 Places)

Kooyoorra SP – stone features, rock art, artefact scatters, a quarry and scarred trees (98 Places)

Wehla NCR – none.

Stone, bark and wood are the basic materials for Aboriginal objects. These are hard to find with a metal detector.

Significant sites need to be areas which are considered to be significant **and** sensitive.

Such sites already have adequate protection under the Victorian Aboriginal Heritage Act.

**It is impossible to comprehend how recreational prospectors / fossickers could possibly cause any damage to such sites.**

### **These Sites are Already Protected**

The Aboriginal Heritage Act 2006 is designed to protect areas and objects that are of special and particular significance to the Aboriginal community.

All Aboriginal places, objects and Aboriginal human remains are protected under the AHA 2006. It is an offence to damage, interfere with or endanger an Aboriginal place, object or human remains except in accordance with a Cultural Heritage Management Plan.

**Page 9 of the Strategy Document states that ‘The cultural heritage includes one hundred and thirty seven registered sites of significance to the DDW People’ This equates to one Place per 356 hectares.**

Division 4 of The Aboriginal Heritage Regulations of 23<sup>rd</sup> May, 2018 state the following:

#### **Division 4—Areas of cultural heritage sensitivity specified in Schedule 1**

##### **42 Purpose**

The purpose of this Division is to specify certain other areas of cultural heritage sensitivity in Victoria.

##### **43 Areas of cultural heritage sensitivity**

An area that is specified in column 3 of an item in Schedule 1 is an area of cultural heritage sensitivity.

##### **44 A registered cultural heritage place is an area of cultural heritage sensitivity**

- (1) A registered cultural heritage place that is located in an area specified in column 2 of an item in Schedule 1 is an area of cultural heritage sensitivity.
- (2) Subject to subregulation (3), land within 50 metres of a registered cultural heritage place that is located in an area specified in an item in column 2 of Schedule 1 is an area of cultural heritage sensitivity.
- (3) If part of the land within 50 metres of a registered cultural heritage place that is located in an area specified in an item in column 2 of Schedule 1 has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.

**How does protecting 50 metres around 137 sites equate to excluding us from 27,000 hectares of these parks?**

### Involving the Prospectors

In their submission to VEAC's Inquiry into Prospecting in Parks (submission number 781) the Victorian Aboriginal Heritage Council stated '*Council's vision is of a community that respects Aboriginal cultural heritage and the cultural responsibilities of Traditional Owners. We are keen to work towards a preventative approach to protecting Traditional Owners' cultural heritage for all Victorians through more education for prospectors.*'

Heritage Victoria's submission to the same Inquiry (submission number 799) says '*Given the robust environment and limited surface gold resources of central and western Victoria, the impact of prospecting on historic archaeological sites in these areas is likely to be minimal and acceptable if carried out with suitable expertise and in accordance with codes of conduct and guidelines.*'

Aboriginal Affairs Victoria (part of submission number 799) states '*... as the bulk of prospecting activities are regarded as low impact, an increase in public education and awareness about the presence and nature of Aboriginal cultural heritage in these parks may alleviate some of the risk.*'

And

*'Generally, low-impact prospecting (such as with a metal detector or small hand tools) has a lower potential to harm places, and is considered by OAAV a low impact activity. Prospecting does not trigger a requirement for a cultural heritage management plan under the Aboriginal Heritage Act 2006. Harm to Aboriginal heritage is prohibited under this Act, but permits are available to harm Aboriginal heritage under certain conditions.'*

The PMAV would be happy to work with DDW to develop a suitable education campaign with an improved Code of Conduct or Memorandum of Understanding as suggested in Strategy P44 Rec 5 and P45 Rec20.

A while ago we suggested a reporting mechanism for sightings of problems such as feral animals and broad weed infestations. Nothing happened. With today's smartphones it is easy to 'drop a pin' to advise of exact locations. Our suggestion was ignored.

There are over 14,000 Miners Right holders in Victoria. Many of them would visit the DDW Parks regularly. These are the tourists the region needs. They should not feel unwelcome; they should feel involved.

There is exclusivity in the Draft that, at the moment, appears to be promoting division. We hope that is not the intent.

**As a symbol of inclusion and unity we suggest a renaming of the Parks to**

**The Dja Dja Wurrung Goldfields Parks**

## Prospecting and Mining Heritage

An overriding emphasis throughout the whole DJMP is on the remediation of old diggings and mine-sites. Eg. Strategy Page 69 'A significant program of remediation is required to bring this land back to good health.'

If recreational fossicking causes unacceptable cultural and environmental damage then how does this compare with the proposal to destroy the diggings and mine-sites in these parks?

**The idea of restoring 'upside-down Country' to right way up is horrifying to the prospecting community. This is Victorian heritage and cannot be transformed in this way.**

Is Heritage Victoria supportive of these proposals to wipe out the history of prospecting and mining in these parks?

### Written responses from Questions from PMAV to Michele Braid.

*'The JMP captures the aspirations of the Dja Dja Wurrung traditional owners for remediating their traditional lands.'*

And

*'the land remediation aspirations are tied inherently to the culture and wellbeing of the DDW traditional owners'.*

The tiniest evidence of Aboriginal occupation is sacrosanct yet there is an intention to remove all our mullock heaps and diggings.

We believe the resources of Parks Victoria (i.e. taxpayer funding) which would be needed to repair and 'heal' the forests would be better spent on the real threats (P49 & 50 of the Resources document) of:

- Weeds and Invasive Species.
- Rabbits
- Noisy Miners
- Foxes
- Feral Cats
- Deer
- Goats

And better spent on more staff for environmental management including revegetation, fuel reduction and removal of dumped rubbish. Rather than '*money for remediating past mine-sites*' P70 of the Strategy Rec L7

And

*'Money for DDW to set up a mining rehabilitation business'* P77 of the Strategy Rec E7.

Is the Victorian Taxpayer willing to pay for these extravagant demands when there are more important issues to be funded?

**Branches of the PMAV regularly hold their own 'Clean up the Parks Day' in conjunction with Parks Victoria. On these days they remove tonnes of dumped rubbish. In return they are to be punished by being removed from areas for prospecting! This is just wrong.**

We have to query this statement on P69 of the Strategy – 10.1 '*the Parks' zones and overlays are necessary to ensure that the uses of the Park occur in the right places, so people are not endangered by upside-down Country*'. How are people suddenly threatened by old diggings? Is it suggested that the diggings be flattened out so we have safe, flat ground to walk on? If so, all gum trees should be removed so that a 'widow maker' branch can't fall, rivers and streams should be fenced so people don't drown and we would need a bounty system to control drop bears and the Central Victorian puma.

Or should half of Central Victoria will be out of bounds?

## Resources Document.

This document made more sense and contains some useful information.

Page 17 refers to the 20 year old Box Ironbark Education Kit. This historical, biased and hysterical document should never have been published in the first place and should not be used as a reference by anyone – other than those wishing to expose excellent examples of bias.

The fundamental problem that the PMAV has with the Plan is the proposal to exclude prospecting from ANOTHER 13,500+ hectares of our traditional goldfields. How would the Dja Dja Wurrung feel if Government proposed their exclusion from traditional sites? We feel no different. We suffered significant losses to our Goldfields under the Box Ironbark Investigation by the ECC and will not accept any further limitations unless there is scientific evidence to support such limitations. People have looked for such evidence, but they won't find any as there isn't any. Recreational prospecting is a benign, harmless and dispersed activity.

## The Real Facts

**We will be excluded from 25,846 hectares out of the total park area of 48,833 – with absolutely no justification. This means the Draft Plan proposes to double the area of prospecting exclusion.**

Park	Area of park in hectares **	% available for prospecting – now	Area available for prospecting after draft plan in ha.	% available for prospecting in draft plan	Number of hectares lost through the Draft Plan	Total exclusion from park in hectares – after Plan
Wehla NCR	410	100	410*	100*	?*	?*
Kooyoora SP	11350	71	7362	64	-678	3988
Greater Bendigo NP	17340	69	8367	49	-3920	8973
Hepburn RP	3733	100	1291 (1568)	42	-1529 (2422)	1529 (2422)
Kara Kara NP	13990	55	4174	33	-6426	9816
Paddys Ranges SP	2010	30	560	28	-40	1450
Total	48833		22164		-13,486 (+410 for Wehla?)	25436 OR 25846*

*We have done our best with the figures available as there are conflicting statistics between the Agreement and the Plan.*

\*While the Draft Plan indicates that the Wehla NCR will remain available for prospecting. The presentation given to the PMAV's Melbourne Branch flagged an issue which may mean we lose access to 100% of this area. At this time, we still do not know.

**\*\* All park sizes are taken from the Traditional Owner Land Management Agreement between the Dja Dja Wurrung and the Victorian Government.**

## Promises Made

The PMAV came into this process relatively late.

We have been assured time and time again that the change to Aboriginal title would not affect prospecting. Now we find we are poised to again lose access to huge areas of goldfields.

These quotes are taken from government websites as of 18<sup>th</sup> June, 2018.

DELWP's website states '*Transfer of parks or reserves to Aboriginal title does not affect existing use and access*'. <https://www.forestsandreserves.vic.gov.au/land-management/joint-management>

Parks Victoria '*The areas where joint management is established will continue to be public parks and reserves. Everyone will continue to have access to these areas.*' <http://parkweb.vic.gov.au/park-management/aboriginal-joint-management>

Dept of Justice's website in relation to the Dja Dja Wurrung settlement states: '*Existing leases, licences and other rights and interests will be protected for their full term. Recreational activities like hunting and fishing will not be affected.*'

<http://www.justice.vic.gov.au/home/your+rights/native+title/dja+dja+wurrung+settlement>

Additionally, we received a letter from Department of Justice in 2013 at the beginning of this process. I rang and had discussions with the author Dean Cowie - the Manager of the Dept of Justice's Native Title Unit - and was assured that this process did not apply to prospecting. (copy attached).

The PMAV has written to the Environment Minister expressing our concern that we have been receiving conflicting advice and that the advice of Government has meant we did not involve ourselves until very late in this process. Urgent involvement is now stretching our already limited resources.

## Regional Parks

**While prospecting is excluded from National and State Parks unless specifically listed in S32D of the National Parks Act, it is not excluded from Regional Parks under any legislation. The idea of limiting prospecting to a paltry 48% of the Hepburn Regional Park is not supported by legislation or by us.**

If this exclusion is accepted and legislation amended, we can only believe this would be the start of another downward spiral with access being denied to other Regional Parks including most of the Bendigo Region.

Additionally, Regional Parks are 'Restricted Crown Land' under the Mineral Resources (Sustainable Development) Act and, as such there are mechanisms in place to allow both mining and exploration. It isn't rocket science to work out that if prospecting is prohibited in this Regional Park then mining and exploration will also be banned.

**Prospecting is permitted in Regional Parks. The PMAV will strongly oppose any amendments to legislation to change this.**

We know that the development of this Draft Plan and VEAC's Central West Investigation are not supposed to be linked but, given the Hepburn Regional Park is contained within VEAC's Investigation area and the Board is proposing limitations on access to this Park, we can't help but be suspicious.

All of the Bendigo Goldfield that is not within the National Park is contained in the Bendigo Regional Park. This is another reason we oppose any precedent of prospecting being excluded from Regional Parks.

## Prospectors Connection to Country

We acknowledge the long physical and spiritual Aboriginal connection to this country. We need consideration of the fact that we prospectors have an enormously strong connection with this land too. This has been a continued connection for almost 200 years; several lifetimes.

Prospectors are not about excluding anyone from the land. We would love to see more physical Aboriginal involvement in the Parks. It is a fact that almost all the people we see in these Parks are prospectors. What is stopping the Dja Dja Wurrung from conducting their traditional activities now if they wish to?

Why is there any need to exclude prospectors from any areas other than those really important areas such as burial sites? I am sure the prospecting community would respect that, but broad-scale exclusion is another matter.

Stress is becoming recognised as one of the greatest health issues of our time. Freely accessing Public land to walk around with a metal detector is a great antidote to stress. Restricting this free access is just building stress as prospectors do not feel welcome in their own country.

To give an example of the unfairness of what is being proposed, it is just as likely that a bush-walker will damage an Aboriginal Place as a prospector who is also a bush-walker but happens to be holding a metal detector. Aboriginal artefacts are not metal! Why are prospectors being singled out for exclusion?

To give an accurate view of 21<sup>st</sup> Century prospecting, we refer the Board to the PMAV's YouTube videos at: <https://www.youtube.com/watch?v=cElqEI39QbM&t=32s> (2.9 million views)



and

<https://www.youtube.com/watch?v=ZxgaQeSPPMg&t=3s>



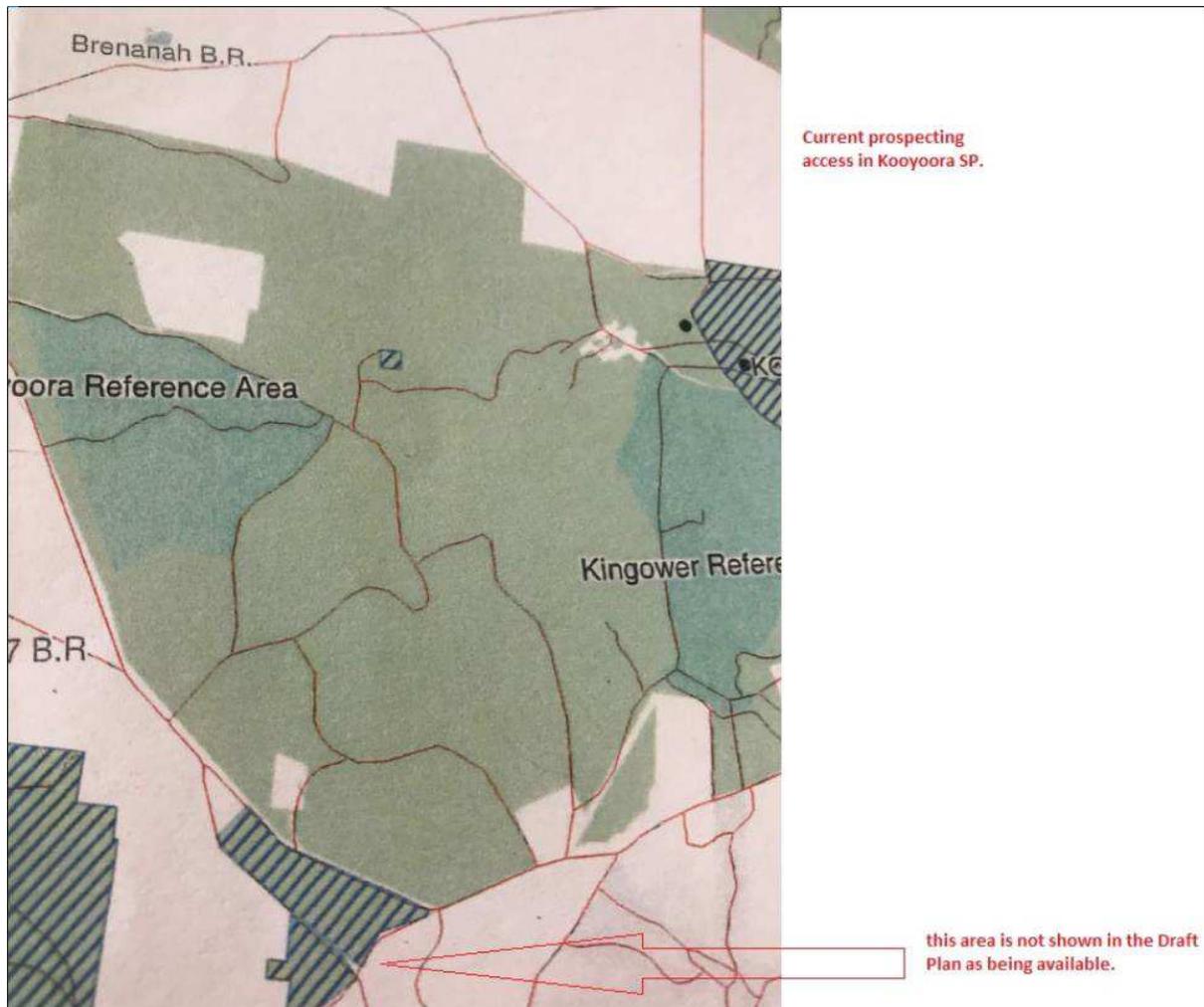
Please note the number of views on our first video particularly. This shows the level of interest in prospecting by people both local and overseas.

In summary, recreational prospectors are happy to support most aspects of the Draft Plan but strongly oppose any further exclusion of our activities.

**Let's work together to establish, manage and learn from the  
Dja Dja Wurrung Goldfields Parks.**

### Specific Plan House-Keeping

The Kooyoora State Park map mistakenly shows an area to be off-limit to prospecting when, in fact prospecting is allowed.



Page 3 of the Resources document refers to T Paddys Ranges State Forest . This is incorrect, it is the Paddys Ranges State Park.

Lack of captions. I know the Plan intentionally leaves out captions. This is a pity as I would have liked to know details of photos such as names of some of the flora and fauna. For example, what is the correct name for spitfire caterpillars?