



MEDIA STATEMENT

Mayor Scott Ferguson
Blayney Shire Council

13 September 2024

Blayney Shire Council seeks amendment to section 10 declaration.

On 13 August 2024, the Minister for the Environment and Water, Hon Tayna Plibersek made a declaration under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the s10 declaration).

Council has obtained specialist legal advice, to understand the implications of the s10 declaration for Council in its capacity as the Roads Authority for Dungeon Road.

Following receipt of this legal advice, Council has proceeded to write to Minister Plibersek, identifying that an amendment is required to the s10 declaration.

The amendment sought is necessary to deal with the presumably unintended consequences of the s10 declaration, that now directly impacts a 2km section of Dungeon Road which traverses the declared area (see map attached).

Should the amendment not be made, Council will not be able to carry out its functions as the Roads Authority, in accordance with *Roads Act 1993*.

Council has been advised it is at high risk of contravening the s10 declaration if it proceeds to carry out any general road construction and maintenance activities, including but not limited to; maintenance grading, gravel re-sheeting, clearing of table drains, repairing and replacing culverts, fixing or varying levels in the road, concrete works, drainage works, level variances or bulk earthworks as the Roads Authority on Dungeon Road.

With respect for the s10 declaration, Council has proceeded to inform a regional car rally event, that Dungeon Road cannot be used for that purpose, as it is not known how to ascertain if this activity is a type of passage consistent with 'Aboriginal Tradition' as required by the s10 declaration.

At this stage, Council has not been advised of the immediate need to shut and/or prevent access to the 2km part of Dungeon Road affected by the declaration, however that position is solely contingent on Council being able to undertake its functions as the Roads Authority, in accordance with the Roads Act 1993.

Please contact

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