



Healthy Parks  
Healthy People®

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25 July 2019

[REDACTED]  
Australian Climbing Association Victoria Inc.  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

I refer to your letter of 7 July 2019 to Parks Victoria's Chief Executive Officer, Matthew Jackson, regarding the decision by Parks Victoria (PV) to implement climbing restrictions within parts of the Grampians National Park (Decision). Mr Jackson has asked that I consider the issues raised by you and respond on his behalf.

For convenience, I will respond to your request for information under the following sub-headings.

***The rationale and legal basis for the Decision***

In November 2018 PV's Executive Management Team determined that a more active intervention was required to manage an increase in climbing activity in the Grampians National Park (Park) to protect Aboriginal cultural heritage and environmental values. This included observations of damage to rock faces from the use of bolts, chalk, graffiti, bouldering mats and damage to plants by pulling them from cracks in the rock. Concerns were also raised about the cutting of new access tracks through forested areas, deposited rubbish and the establishment of campfire rings.

PV was required to address these issues to comply with its legislative obligations under the *National Parks Act 1975* (Act) and the *Aboriginal Heritage Act 2006* (AH Act). For example; under section 17(2) of the Act, PV is required to manage National Parks consistently with the objectives of the Act, as set out at section 4. This includes the preservation and protection of the natural environment, indigenous flora and fauna, and features of ecological, geological and scenic significance. The method by which PV can enforce its obligations under this Act primarily rests in the *National Parks Regulations 2013* (Regulations), which includes regulation 65 that permits PV to set-aside areas where sport and recreational activities are prohibited; as well as general prohibitions on interference with any vegetation (regulation 48); interference with rocks or similar natural objects (regulation 53); and regulations prohibiting littering and human waste in parks. PV's Authorised Officers are empowered under Part 9 of the *Conservation, Forests & Lands Act 1987* to enforce the Regulations.

In addition, PV has the same obligations as the Australian Climbing Association (Vic) Inc. (ACAV) not to harm cultural heritage pursuant to the AH Act: see sections 27 and 28. Based on the observations made above, PV



determined that it needed to be more proactive in protecting cultural heritage from harm to ensure that it and all users of the Park fully complied with this legislation.

As a result, on 4 February 2019 PV's Chief Operating Officer, Simon Talbot, exercised his delegation from the PV Board under regulation 65 of the Regulations to prohibit climbing in the areas defined in that set-aside document. These areas largely comprised Special Protection Areas (SPA) that had been identified in the 2003 Management Plan for the Park as areas where only bushwalking and picnicking are permitted, plus an additional 29 areas that had been identified as containing significant cultural heritage. The Management Plan for the Park is available to view on the PV website at [parkweb.vic.gov.au](http://parkweb.vic.gov.au)

The reasons set out in the set-aside determination included that climbing activities had the potential to cause damage to cultural heritage and the environment, including through:

- The manufacturing of holds by trundling or hold chipping the rock surface leading to direct damage to Aboriginal rock shelters and the artwork, and environmental damage through the removal of vegetation, changes in water flow and erosion.
- The installation of fixed anchor points directly into rock faces leading to direct damage to Aboriginal rock shelters and artwork, and environmental damage through the removal of vegetation, changes in water flow and erosion.
- Girdling of trees to create belay points leading to direct damage to vegetation.
- Removing and brushing vegetation during climbs leads to direct damage to vegetation.
- The use of chalk creating a visual disturbance and damaging vegetation especially lichen and mosses that are integral to the health of vertical vegetation communities.

A copy of the set-aside document dated 4 February 2019, with accompanying documentation, that sets out the reasons for and legal basis by which climbing activities were prohibited in certain areas of the Park is **attached**.

PV is restricted by the requirements of the AH Act from identifying the exact location and descriptions of all cultural heritage, but, efforts have been made through recent requests under the *Freedom of Information Act 1982* (FOI Act) to provide as much information as possible to applicants so that PV's rationale for the partial exclusion of climbing activities in parts of the Park can be better understood. Please find **attached** a copy of this document, a spread-sheet prepared by our Managing Country Together team that provides redacted data on the cultural heritage values at the 29 additional areas set-aside to prohibit climbing activities and another similarly redacted document regarding the 8 areas on which PV has focussed its enforcement and education campaign in the Park. The materials referenced in these documents are available to, or prepared by, PV pursuant to section 146 of the AH Act for purposes specified in that legislation. PV has carefully considered what can be released to the ACAV to ensure that it does not breach PV's statutory obligations.

However, as already identified above, the protection of cultural heritage is only part of the rationale for PV's decision to implement the set-asides prohibiting climbing activities at the Park. As part of understanding why PV has prioritised enforcement and education activities in the 8 focus areas within the SPAs, PV's geospatial science team reviewed these 8 focus areas for flora and fauna values at those sites. I am instructed that this included an examination of databases for all records of plants and animal species within a 200-metre radius of each of these 8 sites. The data source for this search was the Victorian Biodiversity Atlas. In addition, a species list for all plant and animal communities was also run within each of the SPAs. Once again, the data source was the Victorian Biodiversity Atlas.

I am instructed that 9 different ecological vegetation classes were found within 200 metres of the 8 focus areas, indicating a diversity of different habitat types. The 9 ecological vegetation classes identified were:

- Damp Sands Herb-rich Woodland;
- Heathy Dry Forest;
- Heathy Woodland;
- Hills Herb-rich Woodland;
- Hills Herb-rich Woodland/Heathy Dry Forest Complex;
- Rocky Outcrop Herbland;
- Rocky Outcrop Shrubland;
- Rock Outcrop Shrubland/Rocky Outcrop Herbland Mosaic; and
- Sand Heathland.

Importantly, PV has legislative obligations to protect all plants, soils, animals and vegetation communities regardless of conservation status. Therefore, a focus on preventing damage and disturbance to all habitats, soil, geological features and vegetation in the entirety of the Park is paramount, especially within designated SPAs and Remote and Natural Areas.

### ***Consultation in relation to the Decision***

PV has outlined its reasons for its management action and the rationale for its planned enforcement actions to key stakeholders using avenues including:

- A meeting held in Halls Gap on 12 February 2019 with representatives from the climbing community, where PV shared key concerns, and planned mitigation measures to reduce impacts and risk;
- The distribution of a map outlining the 8 enforcement locations and broader protection areas via email to rock climbing representatives on 15 February 2019. This was also made available from PV's website, along with a media statement, in the hours after;
- Further detailed maps showing the protection areas and supporting information sheet was distributed to rock climbing representatives and uploaded to PV's website on 27 February 2019; and
- On site signage.

In addition to the above, consultation and engagement with stakeholders has been occurring since April this year in relation to the proposed new Grampians Landscape Management Plan, that will, among other things, cover recreational opportunities for user of the Park, more information of which is available on the following link - <https://engage.vic.gov.au/grampians-management-plan>

Through all communications, PV has reinforced that proactive enforcement activities will occur only at the below 8 locations where signage has been installed. These locations are almost entirely within the SPAs set out in the Plan and include:

- Gondwanaland
- The Gallery
- Millennium
- Billimina Aea
- Billiwing Buttress
- Little Hands Cave
- Manja Area
- Cave of Man Hands

In broader protection areas, Authorised Officers are educating park users by sharing the available information on rock climbing and advising climbers if they are in SPAs where climbing is prohibited. They are also undertaking enforcement activity relating to other activities not permitted in any National Park including cutting or damaging vegetation, lighting fires outside of designed fireplaces, depositing litter, interfering with cultural heritage such as rock art or any damage to rock faces, such as drilling holes.

### ***Parks Victoria's commitment to Healthy Parks Healthy People***

While PV is committed to providing the utmost protection of cultural and environmental values in the Park, consistent with its mandated obligations under the Act and the AH Act as mentioned above, it is also committed to supporting and promoting access to all Park users, including recreational activities such as those engaged in by the ACAV. Under section 7 of the *Parks Victoria Act 2018* the objects of the organisation extend beyond conservation to the encouragement of the community's enjoyment of and involvement in parks. And this is consistent with an existing statement on [parkweb.vic.gov.au](http://parkweb.vic.gov.au) as follows:

*'Rock climbing is a significant recreational and sporting pursuit for many people. We acknowledge the physical, social and economic benefits rock climbing brings to our communities across the State'.*

In recognition of the positive health impacts of recreational activities and access to parks, I am instructed that PV continues to engage with climbing clubs and licensed tour operators to identify areas where climbing activities can safely occur in other parts of the Park and in locations outside of the Park. As the ACAV may also be aware, PV is currently undertaking a review of the Management Plan for the Park, which will include opportunities for stakeholder consultation on a range of issues including recreational activities such as climbing. We look forward to the ACAV's participation in this process.

### ***Decision to allow partial access to Licensed Tour Operators to Special Protection Areas***

The rationale for PV's decision to allow restricted access to Licensed Tour Operators (LTO) to 3 sites in the SPA for an initial 3-month period was set out publicly in a 28 June 2019 media release currently available on [parkweb.vic.gov.au](http://parkweb.vic.gov.au)

As confirmed in the media release, the decision was made only after consultation with Traditional Owners; after assessment of 3 designated areas in the SPA; and only following amendments to LTO licences to require operational limits, completion of an Aboriginal cultural heritage induction program, and extensive monitoring. The decision was made by CEO Matthew Jackson on 28 June 2019, and includes a commitment to apply for a Cultural Heritage Permit under the AH Act to determine how climbing activities might coexist with the protection of cultural heritage in the Park. In addition, PV has committed to enforcement activities in the 3 designated areas to ensure compliance with LTO licence conditions, a breach of which can result in cancellation of a licence.

As the decision by PV to allow partial access to LTOs to the 3 designated areas potentially contains commercial in confidence documents or documents captured by the requirements of the *Privacy & Data Protection Act 2014*, PV would be required to engage in consultation with third parties before such information could be released, or is otherwise restricted to what it can provide pursuant to the AH Act, as already mentioned. As such, to ensure that the ACAV can be confident that it has been provided with all relevant documents, and to ensure PV's compliance with the abovementioned legislation, I encourage the ACAV to put in an application under the FOI Act should it not be satisfied with this response.

### ***Information around signage in the Park in relation to the Decision***

While your letter does not specify the signage that you are requesting information for, I presume that it relates to signage in relation to the Decision. That is, the implementation of the set-asides to prohibit climbing activities to those parts of the Park specified in that document.

The signage that has been installed is to enable enforcement activity to be undertaken pursuant to regulation 65 of the Regulations. Regulation 10(2) provides that, following a set-aside determination being made, PV must erect signage specifying at or near the entrance to the areas indicating:

- the area that has been included in the set-aside determination;
- the nature of the determination; and
- the conditions subject to which the prohibited or restricted activity or conduct must be carried out.

The reasons for the 8 sites being specifically chosen for the signage has been outlined above, that is, the specific cultural and environmental values at these sites and the previously mentioned impacts to these sites based on observations. While all parts of the SPA have been set-aside as part of the determination, it is only at these 8 sites, where the signage is in place, that PV is currently undertaking enforcement activities pursuant to the Regulations.

I trust that this letter has addressed your points raised. As mentioned above, should you not be satisfied I encourage you once again to make an application under the FOI Act for relevant documents. PV is otherwise ready to comply fully with any Order that might be made pursuant to the *Supreme Court (General Civil Procedure) Rules 2015* as referenced by you in your correspondence to Mr Jackson.

Yours sincerely



John Stevens  
Manager Legal Services  
Parks Victoria