

22 April 2020

Attn:

John Stevens
Manager Legal Services
Parks Victoria
Level 10, 535 Bourke Street
Melbourne, Victoria 3000

From: Mike Tomkins
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Dear Mr Stevens,

Re: Grampians Rock Climbing - Signage Deficiencies Under Regulation 10

We note that Parks Victoria created a Grampians determination for set-aside under Regulation 65 of the National Parks Regulations 2013 on 4th February 2019. This determination was approved by the Chief Operating Officer, Simon Talbot. This determination confirmed the need for adequate signage in accordance with Regulation 10 of the National Parks Regulations 2013:

- (2) If, under a set aside power, the Secretary makes a determination setting aside an area as an area in which an activity or conduct is required, restricted or prohibited, the Secretary must erect or display signs or notices at or near the entrance to the area indicating—
- (a) the area that has been set aside under the determination; and

Fig 1 – National Parks Regulations 2013: Regulation 10(2)(a)

Considering the above, we would appreciate your legal opinions regarding correct applications of the signage requirements in relation to several key questions.

Inadequate Signage for the Protection of 8 Focus Sites

We are aware that temporary signs have been installed at roadside approach points to 8 focus sites (Gondwanaland, The Gallery, Millennium Caves, Billimina Area, Billywing Buttress, Cave of Man Hands, Little Hands Cave, Manja Area). We note that many of these signs are several kilometres away from the focus site in question.

Regulation 10(2) shown above, mandates that “the Secretary must erect or display signs or notices **at or near** the entrance to the area”. We assert that the present temporary signage is wholly inadequate in seeking to comply with the intent to protect the 8 focus sites.



Fig 2 – Temporary regulatory sign at trail head, 3km from Gondwanaland cultural site

No Signage Installed for 107 Grampians SPA Climbing Sites: “no sign – no fine”

Regulatory signage has not been installed “at or near the entrance to” the following 107 climbing locations within the Grampians Special Protection Areas:

Summerday Valley	Eureka Towers	Grandstand	Geranium Springs
Bowler Boulder	Eureka Wall	Buandik bouldering	Wallaby Rocks
Flying Blind Buttress	Lost World	Mother Buttress	Mt William
BARC Cliff	Spanish Galleon	Studio	Redmans Bluff
Echidna Wall	Jungle Gym	Buffoon Block	Barbican Wall
Andersens	Mt Cactus	Pinnacle of Achievement	Seven Dials
Gun Buttress	Generation Gap	Lego Blocks	Mt Abrupt
Sandinista Cliff	Wall of the West Wind	Sheltered Workshop	Mount Sturgeon
Moral Vandal Block	Muline	Quartz Block	Back of Beyond
Amnesty Wall	Doritos Wall	Rain Wall	Burnt Shirt Buttress
Crank Start Amphitheatre	Emu Rock	Cultivation Creek	Seclusion Wall
Orange Blossom Wall	Hollywood Bowl	Hut Creek Track	Green Gap Pinnacle
Guernica Block	Loose Rock Candy Outcrop	Pygmy Terrace	Gallery Creek
Clicke Wall	Cub Wall	The Mall	Eldorado
Red Wall	Mt Fox	Goat Wall	Dreamtime
Echo Block	Corner Crag	Family Wall	Western Bloc
Hollow Mountain Cave	Lost & Far Pavilion	Norman Neve Memorial Wall	Paddys Castle
Loopeys	Band of Gypsies	Roadside Arete	
Bad Cliché	Red Rock Pinnacles	The Tower	
Kindergarten	Featherswords	The Crater	
Bellerophon	Crag X	Possum Rocks	
Cave of Ghosts	Picasso Block	Sunny Boy Block	
Mt Pleasant	Solarium	Catacombs	
Pacific Ocean Wall	Redneck Paradise	Peasant Wall	
Rockwall	Queensland Cliff	Sawmill Cliff	
Chataqua Peak	Eagle Rock	The Fortress	
Lookout Point Wall	Scoop Rocks	Crimson Tower	
Weirs Creek	Sherpa Rocks	Shadowlands	
Red Sail	Valley Crag	Craigend	
Clean Cuts	Canyon Crag	The Avenue	

Fig 3 – 107 Grampians Climbing Locations Having No Regulatory Signage

We would expect specific signage to be installed at each of these 107 climbing locations if climbing is to be restricted in any way at these cliffs and bouldering areas. The Grampians is a vast area with complex topography. Many climbing locations have multiple access approaches. We estimate that hundreds of permanent signs would be necessary to properly introduce climbing restrictions of this nature in a legally enforceable manner across the 550 square kilometres of Special Protection Area.

Advisory signage – no Regulations cited

We note that a regulatory sign must state the applicable Regulations. Signs such as those at Summerday Valley do not cite Regulations and hence are advisory-only with no legal authority:

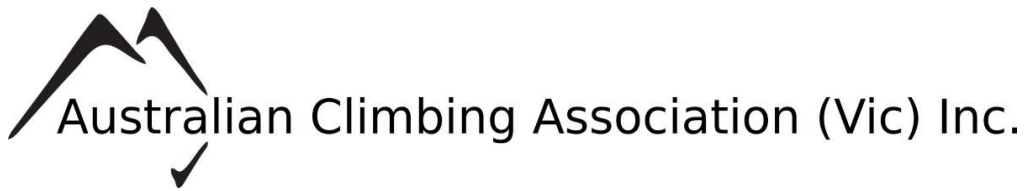


Fig 4 – Advisory Sign, No Legal Authority

We assert that Parks Victoria is not undertaking its duty to execute the National Parks Act and its subordinate regulations in an appropriate and legally correct manner. We assert that Parks Victoria has failed to follow its obligations under the legislation in relation to signage under Regulation 10 of the National Parks Regulations 2013.

It is unreasonable to expect climbers and other park users to follow rules where they are not applied in accordance with legislation. It has become clear that there is an urgent need to protect vulnerable cultural and environmental sites against graffiti and other damage caused at ground level by day tourists. Appropriate signage will be necessary to convey the necessary messaging and give a measure of protection.

It is necessary to address these signage issue as a matter of urgency as we are fielding questions daily from ACAV members over climbing access in anticipation of a reopening of the Grampians following the Covid 19 closures. At present, we can only give a broad indication along the lines of “no sign, no fine”. We would prefer to have clear and accurate information to allow us to put forward more constructive advice to our members. Our legal questions are as follows:



- 1. Please advise what permanent signage provisions that Parks Victoria proposes to implement for the 8 focus sites to ensure correct compliance with the legislation and to give suitable protection under Regulation 10 of the National Parks Regulations 2013 for these 8 cultural sites against damage by all user groups.**
- 2. Please confirm that recreational climbing is not restricted or prohibited under the law at the 107 Special Protection Area locations listed above, notwithstanding any assumed risk to cultural heritage.**
- 3. Please confirm that; despite the advisory signage installed, recreational climbing at Summerday Valley is not restricted or prohibited under the law, notwithstanding any assumed risk to cultural heritage.**

We intend to treat this as an open communication for the benefit of our members. Please do not hesitate to contact me to discuss this further. We look forward to receiving your legal opinions on these matters.

Kind Regards,

Mike Tomkins
President
Australian Climbing Association Victoria Inc.