

2 February 2023

Ref: MIN102778

Mr Mike Tomkins  
President  
ACAV

BY EMAIL: [president.vic@climb.org.au](mailto:president.vic@climb.org.au)

Dear Mr Tomkins

**SUBJECT: Taipan Wall, Grampians – Public Exclusion Zones**

Thank you for your email of 20 January 2023, which was copied to the Hon Ingrid Stitt MP, Minister for Environment, regarding the above.

In your email you asked the following:

‘Is there a feasible offence code that can be alleged by Parks Victoria or is damage to ancient rock chips the only option for prosecution? Since these highly durable rocks are largely impervious to harm, would you attempt an allegation of harm to intangible cultural values?’

Your email also attached a link to photographs and commentary at Taipan Wall, located within Grampians (Gariwerd) National Park.

I understand that you are broadly asking the basis by which Parks Victoria considers the potential of rock-climbing or like activities to impact on Aboriginal cultural heritage and natural values, and what enforcement provisions Parks Victoria has at its disposal to prosecute.

You will appreciate that it is not possible for me to provide a generalized position on how Parks Victoria would approach a prosecution in a hypothetical situation that involves potential harm to Aboriginal cultural heritage and natural values. So much would depend on all of the factual circumstances, making it unhelpful to you and potentially misleading to provide you with an answer to the position that you are seeking.

What I can confirm, and what has previously been advised to the ACAV, is that there are a number of provisions under the *National Parks Regulations 2013* that make it an offence to interfere with rocks or similar natural objects, archaeological or historical remains and vegetation. It is also an offence to fail to comply with the conditions of any relevant set-aside instrument put in place to protect environmental and cultural values in Parks. The rationale for these set-aside instruments that necessarily involve some restrictions on rock-climbing and other activities has been regularly communicated to you and the climbing community generally as part of the development of the Greater Gariwerd Landscape Management Plan.

In addition to the above, you will be aware that there are specific offence provisions relating to harm to Aboriginal cultural heritage set out in the *Aboriginal Heritage Act 2006*. As Parks Victoria is not the regulator

under this Act it is not in a position to advise you on the basis by which potential prosecutions would be considered.

Thank you again for writing.

Yours sincerely

A handwritten signature in black ink, appearing to read 'JA', is positioned above the typed name.

John Stevens  
Manager Legal Services