

Over the last three years I waited and complied with closures, no questions asked. Multiple times, I reached out to BGLC to ask for permission to climb, to connect and to learn. They never replied. I have and always will support the protection of cultural heritage. However, this does not mean I will sit back and accept the notion that my connection to this land is insignificant or allow the government to police and unreasonably restrict my access to nature. While I acknowledge the deep cultural and historical significance of the land and the ongoing impact of colonisation on Aboriginal peoples, it's important to be curious about what giving land back truly means in a society where we all share the land, live on it together, and have equal rights to access nature. Many Traditional Owners do have special Indigenous rights around land use such as access to hunting and other practices that would otherwise not be allowed in parks which are meant to exist alongside, but not impede, other rights.

The public debate sparked by the challenges of implementation is fuelling some very uncomfortable discussions; everything from outright racism to more subtle statements questioning the authenticity or relevance of cultural heritage; pitting one group against another to fight it out over flawed policy. Rather than debating the authenticity or relevance of tangible and intangible values, we should instead prioritise achieving a balance between safeguarding cultural heritage and upholding the rights and freedoms of individuals with a connection to these significant places and objects.

If the current plans for Dyurrite (Mount Arapiles) move forward, the impact will extend beyond just climbers. It will be a loss for many communities, including Aboriginal people who have their own deep connections to the site. Climbing has been part of this landscape long before colonisation, and the notion that its presence is incompatible with cultural heritage erases an important part of history, one where Aboriginal people climbed these cliffs as well. While BGLC could have chosen to consult with the public, it is well within their right and responsibility to prioritise the protection of their values, even if this means taking precautionary measures to safeguard those values, even at the risk of overreach. The balancing act falls on PV to draw on expert and experience-led input from climbers and other park users groups and recommend proportionate measures that effectively mitigate risk.

Reconciliation should be about connection, not exclusion. It should create opportunities for Aboriginal and non-Aboriginal communities to work together, not force them further apart. BGLC's resistance to working with climbers, the local community, and park user groups has further exacerbated the situation. However, PV had an opportunity to bring these communities together and has failed miserably to do so. When communities are restricted from collaborating on shared challenges, it weakens their ability to advocate for their needs, find culturally relevant solutions, and build collective resilience. Instead of fostering unity and problem-solving, the legislation just exacerbates social fragmentation and disenfranchisement.

Whilst there are a myriad of issues with the plan itself, my feedback is an attempt to address the core issues, including advocating for a full review of the plan and that the current draft is rescinded.

Parks Victoria should conduct a full review of the *Management Plan for the Mount Arapiles-Tooan State Park*.

PV are obligated to commence a review of the *Dyurrite Cultural Landscape (Mount Arapiles-Tooan State Park) Management Plan*, reasons for doing an amendment as stated by Parks Victoria staff Michael D Smith that 'the park is under joint management' is incorrect and that 'it will be under joint management next year' is also vague. Dyurrite/Arapiles is not currently under joint management as there is no Traditional Owner Land Management Board (TOLMC) established.

Section 51.1 & 51.2 of the Parks Victoria Act 2018 states:

(1) Parks Victoria must review each land management plan for an area of land of each period of 15 years after the first plan for the area has effect. (2) A review under subsection (1) must commence no later than the end of the 15 year period.

Additionally, Section 51.3 of the Parks Victoria Act 2018 states:

In conducting a review under subsection (1), Parks Victoria must - consult with - (i) any Department or public authority whose interests may be affected by the plan; and (ii) any specified aboriginal party for any area affected by the plan; and (iii) the public; and (b) consider the result of any consultation under paragraph (a).

This means Parks Victoria (PV) were obligated to commence a review no later than by 2006 and then again by 2021. If they had done so they would have been obliged to consult with the public.

In not conducting a review, PV has failed to consult with the public and therefore the climbing community, recreational parks users and the Natimuk and wider Wimmera community. When asked what consultation occurred in the development of the draft plan. Jason Borg confirmed that 'only BGLC was consulted', confirming that PV has also failed to consult with any Department or public authority including Horsham Rural City Council, Tourism Victoria and Regional Development Victoria.

As per page 15 of the *The Charter of Human Rights and Responsibilities: A guide for Victorian public sector workers* resource, where rights of one group are in conflict with the rights of a separate group Section 7.2 of the Charter explains:

A human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors including - (e) any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.

Those rights can only be limited in certain circumstances if it is reasonable, necessary, justified and proportionate. A more proportionate response can be achieved to protect freedom of movement and cultural rights which is accepted by the whole community.

Refer to the following attachments:

- Understanding the legislation v4.pdf
- Resource-Charter_guide_for_VPS-Jan_2024.pdf

All attachments referred to in this document are here:

https://drive.google.com/drive/folders/1TqhX9dUQ-8gHH2cLo1V1UXWpYjo4T4Cy?usp=drive_link

A landscape-scale management plan should be adopted by Parks Victoria as the strategic basis for meeting its obligations under the National Park Act (Vic,1975).

In summary, the total park area in 2024 - approx. 7,475 hectares are made up of:

1. Mount Arapiles Management Unit – approx. 1,500 hectares.
2. Tooan Management Unit – approx. 3,550 hectares.
3. Additions to the park made over 25 years ago in 2000 as part of the Western Victoria Regional Forest Agreement – approx. 2,415 hectares (33% of the total park area). This area is not covered by any management plan. This area provides habitat to threatened species including the Red-tailed Black Cockatoo (South Eastern).

All parks under the National Parks Act 1975 are required to have a management plan. Parks Victoria (PV) is not meeting its obligations under the Act despite having had 25 years to do so.

Dyurrite currently has two management plans, one from 1998 (amended in 2015) covering the Tooan Block, the other from 1993 for Mount Arapiles-Tooan State Park (this is the plan that is set to be superseded) and remaining areas are under no management.

Instead of these fragmented plans a landscape-scale management plan should be adopted by Parks Victoria as the strategic basis for meeting its obligations under the National Park Act 1975 (Vic).

There are a myriad of issues regarding the proposed draft management plan, most of which I will not discuss here. However an extract from the 1993 plan clearly states a code of conduct should have been promoted to support rock climbing at Dyurrite. A code of conduct was in fact developed in conjunction with the VCC and CliffCare, however there is no evidence of it being communicated, shared or promoted by Parks Victoria (PV). The proposed draft amendment practically erases any such acknowledgement and fails to mention any positive contributions over the last 40 years from any groups, volunteers or climbers.

“Geoff Durham from the Victorian National Parks Association, VNPA (...) visited Arapiles/ Dyurrite in the late 1980s and proposed that Natimuk climbers start up a Friends group to be part of Victorian Environment Friends Network, VEFN. We took up his suggestion with enthusiasm, and thus Friends of Arapiles was born. Since that day, Friends of Arapiles have undertaken thousands of days of volunteer labour, growing trees from local seed, planting, watering, weeding and guarding them. Students on rock climbing trips to Arapiles/ Dyurrite have frequently assisted Friends volunteers to remove scotch thistle, hoarhound, bindii and tree tobacco. We have exterminated feral bees from their hives in the rock crevices and tree hollows to enable native birds to utilise them instead. For decades, we have carried out extensive stone step-building and track rerouting to prevent erosion in sensitive gullies (...) and thousands of hours of rock-hauling by volunteers, Friends of Arapiles has consistently laboured to improve the Arapiles/ Dyurrite environment.” - An excerpt from Louise Shepherd’s ‘A proud, working history’ - a letter to the editor submission to The Weekly Advertiser, published November 27th, 2024.

Dyurrite is not currently under joint management as no Traditional Owner Land Management Board has been established and this is required to conduct joint management agreements. The Growing What is good Plan recognises both the Natimuk community and the Horsham Rural City Council as key partners.

All attachments referred to in this document are here:

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The definition of a 'key partner' although not defined in the plan, generally identifies a crucial business relationship with another entity that provides vital support to operations. In choosing an 'inform only' approach and not conducting a consultation, the draft plan reduces the Natimuk and Horsham community to a voiceless audience, stripped of any real agency in shaping the future of their own communities. It signals a disturbing disregard for those who will be most affected by its outcomes.

A plan that claims to be guided by Aboriginal self-determination should, by its very nature, prioritise meaningful consultation and shared decision-making. Instead, by sidelining the local community, BGLC risks replicating the very exclusionary practices that Aboriginal self-determination seeks to dismantle. True self-determination does not mean replacing one form of top-down decision-making with another. This process not only alienates local stakeholders but also undermines the credibility of the plan itself. It risks being seen not as a progressive step forward, but as selective and inconsistent. If the goal is a future shaped by those who live in and care for this place, ignoring key partners is not just an oversight but a failure of the plan's own principles.

This is further detailed in two attachments:

- Letter Minister Dimopoulos MATSP 5-1-25.pdf
- Arapiles and management plans.pdf

A new decision framework should be written to guide the decision making framework for the management plan.

Key issues include:

- Decision making framework applies solely to rock climbing. No other activity, user group or management areas are subject to this framework.
- Designated Climbing Area Approach involves prohibition of climbing across the entire Park except in designated areas. This is inconsistent with SO 3.1 and 9.1.1.
- Item 6. The accusation that climbers are 'continuing the act of colonisation of the landscape' is a racist trope. That this is published in official government document and used as a component of decision making is in breach of the *Public Administration Act 2004* as referenced in the *Code of Conduct for Victorian Public Sector Employees 2015*
- Item 11. That the 'risk of harm' is applied differently across the Parks Victoria managed estate demonstrates clear bias against rock-climbers. As an example, the beach camps on the 90 Mile Beach foreshore are often on aboriginal midden sites. These camps allow vehicle traffic all year round which harms this Cultural Heritage. Parks Victoria has not applied the same criteria to these sites, which are at significantly higher risk than quarry sites at Dyurrite/Mt Arapiles.
- Another problematic statement refers to visible and audible harm. Visible and audible impacts are present across Dyurrite, including significant traffic noise from the highway, farm machinery and other user groups and visual items such as telecommunication and fire towers, tourism infrastructure and other user groups. How are climbers more significant than all of these factors?

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PV needs to address the heavy bias against climbers that has seeped into every aspect of land management.

This is evident in not only the decision framework, but in comparing other management plans that involved recreational users as well. For example Ninety Mile Beach which is under joint management between PV and Gunaikurnai Land and Waters Aboriginal Corporation, who have similar land rights to BGLC. The park remains culturally and spiritually significant to the relevant Indigenous communities today.

The *Ninety Mile Beach National Park Management Plan 2006* states that all forms of extraction—including recreational and commercial fishing, as well as shellfish collection—are prohibited. However activities such as cycling, diving and horse riding appear not to be actively managed through access limitations. The plan also highlights the beach's role in oil and gas extraction, framing these industries as contributing positively to the coastline.

What's clear when comparing this plan with Dyurrite is that the 'risk of harm' is applied differently across the PV managed lands and demonstrates a clear bias against climbers. Rock climbing—which arguably leaves a much lighter trace than any form of mining or extraction—is instead framed as harmful and destructive. Without an evidence based decision framework, these decisions are highly subjective. Access to public land should not be dictated by opinion based decision making.

Parks Victoria could take the following key actions:

- Conduct an external, independent review of climbing closures and decision-making processes to ensure they are based on robust evidence rather than internal bias.
- Recognise that recreation (including climbing) is a legitimate use of public land and should be balanced with conservation efforts, rather than treated as inherently harmful.
- Engage Climbing Victoria in discussions about cultural heritage protection to develop solutions that balance access with respect.
- Implement a formal requirement for public consultation before any climbing restrictions are introduced, similar to processes used for other recreational activities.
- Partnerships with existing climbing groups (Crag Stewards Victoria, Cliff Care & Friends of Arapiles) on conservation initiatives, including revegetation and erosion control projects.
- Develop educational programs that promote responsible climbing practices rather than relying on restrictive measures. Promote the code of conduct written by Cliff Care and the VCC.

Accessibility and inclusion should be embedded *within* the decision making and review of the plan and in doing so there needs to be consideration of both the Charter of Human Rights and Responsibilities Act 2006 (Vic) and the Equal Opportunity Act 2010 (Vic).

When questioned, PV's Michael D Smith stated that accessibility and inclusion is considered after determinations and decision making. This is far from best practice and in fact contradicts the principles of proactive inclusion and equity. Best practice requires that accessibility and inclusion be fundamental considerations from the outset of decision-making processes, rather than retrofitted after key determinations have been made.

By embedding accessibility and inclusion from the beginning, organisations align with legislative frameworks such as the Charter of Human Rights and Responsibilities Act 2006 (Vic), which upholds the right to participation, equality, and dignity, and the Equal Opportunity Act 2010 (Vic), which mandates proactive measures to prevent discrimination.

Failing to integrate these principles at the planning stage risks exclusion, additional costs, and lost opportunities to create genuinely inclusive environments. Instead, decision-makers must adopt a universal design approach, consult affected communities early, and ensure accountability through ongoing reviews and transparent processes.

In doing so PV should refer and consider the following frameworks, guidelines and resources:

Victorian Government Accessibility and Inclusion Framework

Provides a structured approach for embedding accessibility in government services and policies projects.

[Link: Victorian Government Accessibility Resources](#)

Disability Act 2006 (Victoria) [Link: Disability Act 2006](#)

Australian Human Rights Commission – Guidelines on Inclusive Decision-Making

[Link: AHRC Inclusion and Disability](#)

Victorian Equal Opportunity and Human Rights Commission (VEOHRC) - Equal Opportunity in Decision-Making [Link: VEOHRC Equal Opportunity](#)

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) [Link: UNCRPD](#)

Also refer to the following attachment to further understand the draft plan's impact to accessible climbing, and failures in terms of the Parks Victoria Disability Action Plan:

- Impact of the Dyurrite Cultural Landscape Management Plan Amendment on accessible climbing.pdf

All attachments referred to in this document are here:

https://drive.google.com/drive/folders/1TghX9dUQ-8gHH2cLo1V1UXWpYjo4T4Cy?usp=drive_link

Additional points:

PV has negligently failed to engage with the established PV (formally ministerially appointed) *Mount Arapiles-Tooan State Park Advisory Committee* that has been in operation for three decades, in the development of this draft plan.

PV has adopted instead an 'inform only' approach in the development of this plan which is antithetical to the Letter of Collaboration between Climbing Victoria and Parks Victoria, drawn up and in 2023, refer to attachment: Letter of Collaboration Dec 2023.pdf

PV should consult with LTO's when making decisions about which areas should and shouldn't be 'LTO only designated' climbing areas. Leaving this decision to be made by those with no knowledge of the climbing guiding industry and TOs neglects industry expertise and practical considerations. That said, as a rock climbing guide myself, I do not support LTO only designated climbing areas for the following reasons and this is widely supported by LTOs and Climbing Victoria:

- Routes must be available for both guided trips and independent practice
- "Licensed Tour Operators Only" access would undermine educational goals
- Students need to return to practice on familiar terrain
- Development of independent skills requires ongoing access
- Creates artificial barriers to skill progression
- May encourage unsafe practices

While "Licensed Tour Operators Only" access might seem like a solution, it would fundamentally undermine our goal of developing independent, skilled and conscientious outdoor users. We need these areas to be accessible to both guided groups and the general public to maintain educational standards while respecting cultural and environmental values.