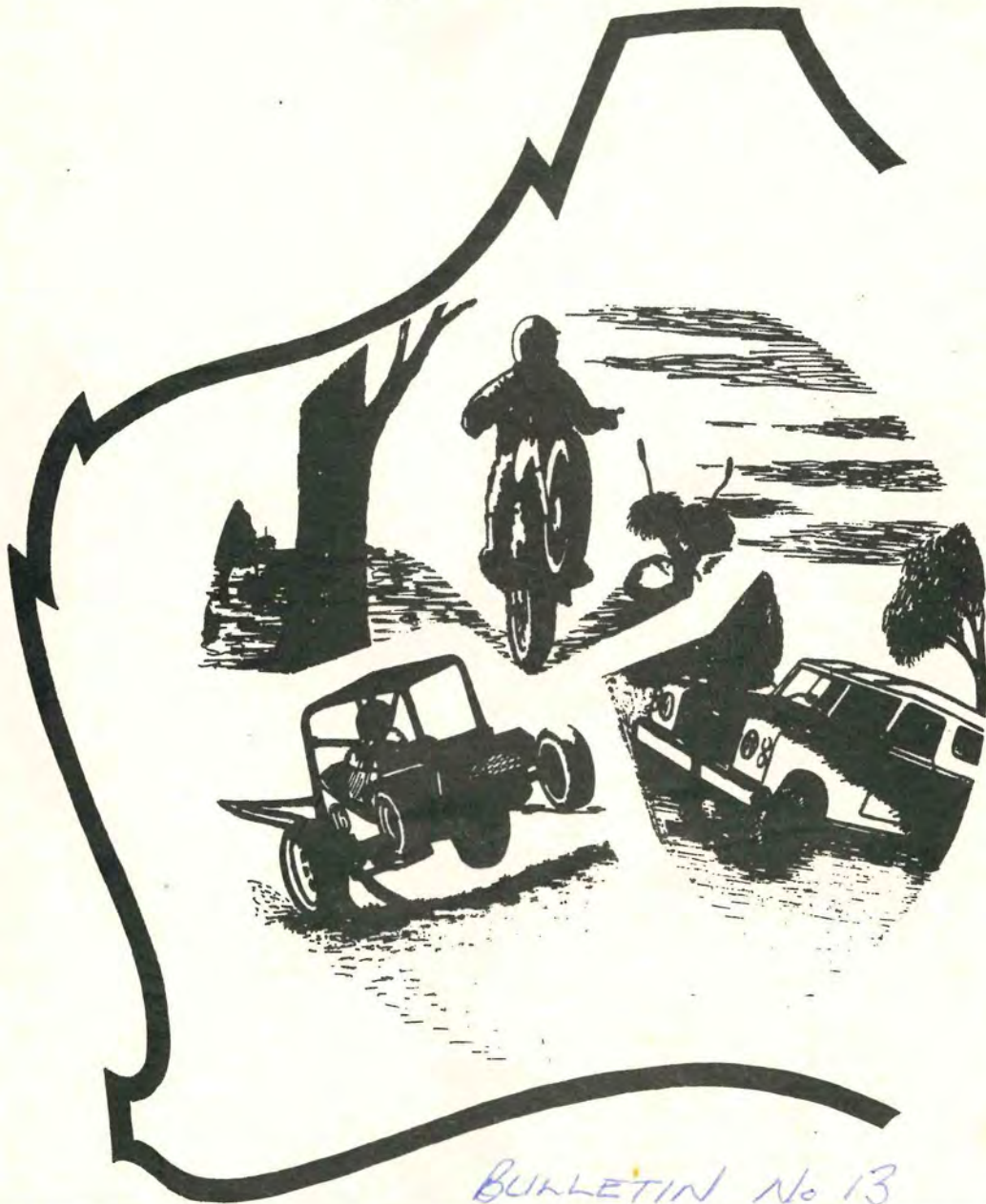


15.

OFF-ROAD VEHICLE SEMINAR

Summary of Proceedings



BULLETIN No 13

**DEPARTMENT OF CONSERVATION
AND ENVIRONMENT**
Western Australia April 1976



OFF - ROAD VEHICLE

SEMINAR

SUMMARY OF PROCEEDINGS

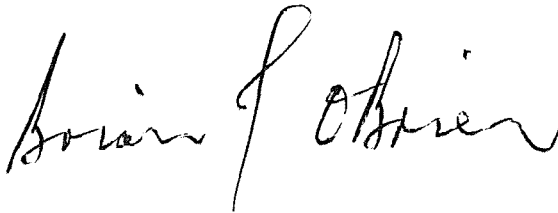
NOTE:

OFF-ROAD VEHICLE SEMINAR - SUMMARY

A verbatim report of the proceedings of the Off-Road Vehicle Seminar has been compiled. It is available to the public in the library of the Department of Conservation and Environment.

In order to provide a brief and readable document for distribution to interested parties this Summary has been prepared.

I hope you find the document useful in outlining the problems associated with Off-Road Vehicle planning and management both practically and through legislation.

A handwritten signature in cursive script that reads "Brian J. O'Brien". The signature is written in dark ink and is positioned above the typed name and title.

Brian J. O'Brien
DIRECTOR

26 August 1976

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I PREFACE

Having noted the interest generated by the tabling of the Public Areas (Use of Vehicles) Bill and in view of the Australia-wide Symposium on Off-Road Vehicles (ORVs) held in Canberra in early 1976, it was thought appropriate to hold a Seminar in Perth on the subject of Off-Road Vehicles, to which the public in general was invited.

The Off Road Vehicle Seminar was held at the Murdoch Lecture Theatre, University of Western Australia on 3 April 1976. It was opened by the Hon. R.T. O'Connor, Minister for Transport, Police and Traffic and was attended by about 100 participants. Eleven speakers presented papers on various aspects of the Off-Road Vehicle "problem" and on the Bill.

The audience was invited to either question each speaker directly after the delivery of a speech or to submit written comment or questions to be discussed in the general discussion period late in the day.

II SPEAKERS AND PAPERS

Set out below are the names of the speakers, the groups they represent and the titles of their papers. A copy of the Seminar Programme is given in Appendix 1.

1. Mr. P. Woods
Department of Conservation and Environment
Overview of ORVs in Western Australia
2. Mr. J. Grasby
Soil Conservation Service
Department of Agriculture
Impact of ORVs on Soils and Vegetation
3. Dr. G. Watson
Department of Physical Education and Recreation
University of Western Australia
The Social Costs of ORVs
4. Mr. R. Bailey
Community Recreation Council
Are ORVs Legitimate as a Recreation Pursuit?
5. Mr. P. Bodeker
"Daily News"
ORVs from a Non-user Viewpoint
6. Mr. E. Serls
Western Australian Motor Cycle Association
ORVs from a User Viewpoint
7. Mr. R. Deering
Peel Regional Planning Committee
Practicality of Controls on ORVs
8. Mr. R.J. Court
Chief Executive Officer
Road Traffic Authority
The Implementation of Controls on ORVs

9. Mr. F.W. Byfield
Under Secretary for Lands
Should ORVs Utilise Vacant Crown Land?

10. Mr. P. Hewett
Forests Department
Problems Confronting Land Managers Relating to ORVs

11. Mr. T. Trewin*
Administrator, Security Department
Shire of Wanneroo
*What Role will Local Authorities Assume Under the
Proposed Legislation?*

* Cr. K. Paterson as indicated in the program was unable to attend.

III INTRODUCTION

In Western Australia, problems associated with the off-road use of vehicles have long been recognised, and in November 1972 the Environmental Protection Council* made the following Statement:

"Council recognises the problems associated with the unrestricted use of 'all-terrain' vehicles and desires that enquiries be made into whether land can be set aside for their use.

Council directs the Chairman to make enquiries along these lines from the following:

Crown Law, Lands, Agriculture, Local Government and Police Departments, the Beach Buggy Association (or whichever is applicable), National Safety Council and the Coastal Planning Committee."

As a consequence of the Chairman's subsequent enquiries and report to the EPA the Council passed the following motion:

"That as all-terrain recreational vehicles can cause environmental damage, particularly to unstable sand dune areas unless adequately controlled, the Minister for Environmental Protection be advised that it is the opinion of the Environmental Protection Council that special areas should be set aside for the use of these vehicles with expert advice being sought as to the selection of environmentally suitable areas, and with the management of these areas being vested in an appropriate body, such as a local authority, with power available to control illegal use both inside and outside the reserved area.

* Now Conservation and Environment Council

"To this end the Minister be further advised that Council requests he seek the approval of Cabinet for preparation of legislation embodying the following points:

- i) these vehicles to be registered with a central authority;
- ii) special areas to be set aside for their use;
- iii) a general prohibition to be placed on their use on any land other than that set aside for their use without the permission of the person or authority responsible for the management of that land.
- iv) the owners of these vehicles be required to have cover for unlimited indemnity to any passenger or non-passenger injured by such vehicle;
- v) a minimum age limit to be placed on the drivers of such vehicles

It is to be noted that 'all-terrain recreational vehicle' is a term used in the all embracing sense to include such vehicles as beach buggies, dune buggies, trail bikes, land yachts and other vehicles not approved for licensing under present motor vehicle legislation."

Following discussion between various parties, including government and non government bodies and user groups, the Department of Environmental Protection* recommended that drafting of the proposed legislation should be under the control of the Minister for Recreation. The matter was therefore referred to the Community Recreation Council and in December 1973, the Director of Community Recreation forwarded the following recommendations to his Minister:

* Now Department of Conservation and Environment

- " 1. That legislation is necessary for the control and use of recreational vehicles in public open space or areas set aside for their purpose.
2. That areas be set aside for the use of recreational vehicles. It is suggested that negotiations be undertaken to have such land vested in a single authority, the Community Recreation Council, for the purpose of re-allocation to the various groups in order that supervision of their activities in respect to such aspects as public nuisance and ecology damage can be implemented. That this supervision should be performed in close consultation with other interested Government Departments such as the Department of Environmental Protection, Department of Forests, Department of Fisheries and Fauna,* the Metropolitan Region Planning Authority and others.
3. That provision be made for the registration of vehicles. It is suggested that this be effected through an appropriate Government Department such as the then Department of Motor Vehicles.
4. That third party insurance cover be available as part of any such registration. It is suggested that the Motor Vehicle Insurance Trust is the logical agency to perform this function.
5. That provision be made for the supervision of law breakers operating outside the designated areas. This supervision to be placed in the hands of an appropriate government department or semi-government department.
6. That a minimum age limit should be fixed for riding certain classes of vehicles on gazetted areas without supervision and that children below this age be supervised at all times by either -

* *Now Department of Fisheries and Wildlife*

- "a) Parental supervision
 - b) Some authorised person representing an official agency or association.
7. Recreational vehicles for the purpose of definition are as defined in the Victorian Legislation, a Bill entitled: "An ACT to make provision with respect to the registration and insurance of recreation vehicles, to control the use of vehicles in public places and for other purposes." This Bill passed through the Victorian Legislative Council on the 10th April, 1973.
8. That negotiations be undertaken at Ministerial level to expedite the provisions of this policy interdepartmentally."

It was pointed out that representative bodies with an interest in this matter had participated in the decision making process and that the recommendations made did not represent a sectional interest.

Since that time further enquiries and discussions have been held and it was decided by Cabinet in December 1974 to appoint a sub-committee under the Minister for Recreation to draft legislation for the control of recreation vehicles.

In February 1975 a preliminary draft Bill was prepared. Following recommendations from an interdepartmental committee and from various government departments, the Bill was redrafted. This draft was then printed and submitted to Parliament in late 1975. It was the wish of the Premier that during the summer recess of Parliament public debate take place prior to the second reading of the Bill*.

* *Public Areas (Use of Vehicles) Bill referred throughout the Seminar as "the Bill".*

A National symposium on Off-Road Vehicles held in Canberra during January, was attended by officers of the Department of Conservation and Environment and Community Recreation Council. Information gained from this symposium indicated shortcomings in the Western Australian Bill and it was the request of the Minister for Conservation and the Environment that his Department's views on the Bill be made public.

As public response to the Bill in Western Australia was varied, it appeared that the best way to obtain a collective input would be to hold a seminar to which users, non-users, manufacturers, land managers and the public in general were invited. The Minister for Conservation and the Environment therefore requested his Department to arrange a seminar at which representatives of as many viewpoints as possible should be invited to speak to an open audience on the subject of Off-Road Vehicles.

Public comment on the Bill was often uninformed and it was decided that speakers, familiar with various aspects of the Off-Road Vehicle "problem" should present papers to the audience to enable a more meaningful understanding of the Bill's implications and hence a more informed discussion. The Seminar was therefore arranged so that the audience was able to question each speaker individually prior to the formal discussion period late in the day.

The title "Off-Road Vehicle" (ORV) has emerged as the accepted collective term for vehicles which are used off-road. This term therefore supersedes "all terrain vehicles" and includes beach buggies, trail bikes, four wheel drives, the family sedan (when used off-road) and various vehicles used in mining, agriculture and construction. The term Recreational Off-Road Vehicles refers to vehicles used for recreation purposes only and it is this group which was the main subject of this seminar.

IV SUMMARY OF PAPERS PRESENTED

The Seminar was opened by the Hon R.J. O'Connor who introduced the Public Areas (Use of Vehicles) Bill in Parliament. The Minister acknowledged that the Bill was not ideal but that as the issue of Off-Road Vehicles was so contentious, it had been drafted so that public comment could be made and he hoped that the Seminar would illuminate any deficiencies. The government in drafting this Bill had hoped to reach a compromise between protecting the environment and enabling off-road recreational activity to continue.

Mr. P. Woods, Department of Conservation and Environment

Overview of ORVs in Western Australia

The writer represents the Department of Conservation and Environment which is concerned with the effect of ORVs on the social and physical environment. Numerous complaints regarding noise and environmental damage received by the Department, indicate that control of ORVs is essential. The Department has therefore been striving to have suitable legislation introduced to ameliorate the problem.

An outline of the Bill was given which indicates that it refers to the ACTIVITY of taking a vehicle Off-Road. As the Bill is presently worded, the State will be "open" for use by ORVs except in specified areas where their use is declared prohibited. The question "is the use of ORVs legitimate?" was posed. From the point of view of erosion control, policing and competition for natural resources (land and limited petroleum fuels) it could be argued that their use is not legitimate. From the user's point of view however their use is considered legitimate. It is apparent therefore that ORV use should be catered for, though there is a need for control so that their cost to society is minimised. The Bill has been formulated in response to this need for control.

An outline of legislation from other States in Australia was presented and compared to the Western Australian Bill. In Victoria for example, where pressure for control is great, all vehicles are required to be registered and insured and the use of vehicles on public lands is prohibited except in "open areas".

Some of the difficulties associated with legislating to control ORVs were pointed out. One main difficulty is in catering for the ACTIVITIES undertaken by the users of various TYPES of ORVs. Some ORVs are used mainly for *pleasure* whereas others are used mainly as a form of *transport*. Related to these activities is the type of VENUE required. Some activities can be catered for in defined areas where supervised events for trial and mini bikes, beach buggies etc. take place on tracks or in old quarries. Other activities require large undefined venues where four wheel drives, trail bikes and beach buggies are used.

The difficulty in attempting to cater for the responsible user whilst controlling the irresponsible element is also a major problem. The possibility of introducing a system of permits for responsible users, which would allow restricted off-road use in otherwise prohibited areas, was put forward. The concept of zoning public lands to indicate whether vehicular access is prohibited, by permit only or open to the public, was also introduced. This zoning could be linked with an automatic review procedure which would allow recovered areas to become open for use

The major problem with ORVs is "who pays?" At present, use of public lands by ORVs is free, with the public paying for the costs of restoration, policing and loss of amenity. It has been suggested that unless a restraint is put on a sport such as this, the community will be faced with a never ending demand for more land. It is also apparent that land "given" to the public is treated badly. To avoid this problem land must not be "given" to the ORV users but rather be made "available for lease". In this way users will be made to pay for their sport.

The argument that our State is so large that ORVs will only have a negligible effect is debatable on two points:

1. the ecology is very fragile and areas desired by ORVs often coincide with some of the most fragile (dunes, hillsides);
2. the area where most people live and relax is so small relatively, that the argument of a large State no longer applies.

From a conservationist's point of view, it would be preferable to restrict use of ORVs to specific areas with the provision for responsible users to obtain permits to enter otherwise prohibited areas.

Mr. J. Grasby, Soil Conservation Service, Department of
Agriculture

Impact of ORVs on Soils and Vegetation

The writer represents the Soil Conservation Service which is responsible for soil management throughout the State. The destruction of vegetation by ORVs is contributing to soil erosion problems. Through education of users at Seminars such as this, it is hoped that the effects of ORVs on the environment will be minimised.

The fundamental condition required for soil erosion is bare, loose soil. The main cause of this condition is through the action of people. People create bare, loose soil by setting fire to vegetation; bulldozing forests and dunes or just through the continued impact of more and more people walking or driving through the bush or dunes with the result that vegetation is slowly destroyed as tracks multiply and coalesce. The introduction of ORVs has magnified this latter problem.

The major effect of soil erosion is a loss of soil from an area. This direct effect leads to other indirect effects such as an accumulation of soil in another area where it may not be wanted (on a road or car park) and the costs associated with any remedial work.

Control of undesirable effects of erosion must be payed for. In the farming community it is the farmer who works toward and pays for soil conservation control. In the mining industry, companies are required to revegetate denuded areas at their expense. It is therefore not unreasonable to expect people to pay to repair or control damage they have caused.

The basic method for controlling or preventing soil erosion is through vegetation of the bare, loose soil. Where damage to vegetation has occurred, vegetation suited to the soil conditions is planted. Soil conservationists however believe that prevention is preferable to control.

Prevention of soil erosion can be achieved through education of people on the mechanism of soil movement. This is considered the most important. Other methods are through physical control such as fencing of susceptible areas, or through legislation.

In summary then, the basic condition for soil erosion is bare, loose soil and the basic cause of this condition is people and their vehicles. Where irresponsible use of vehicles take place, soil erosion will more than likely be a problem.

Dr. G. Watson, Department of Physical Education and Recreation
University of Western Australia

The Social Costs of ORVs

The writer gave a theoretical appraisal of the ORV problem and pointed out that for legislation to be effective, the motives of the users must be understood.

The problem of the management of ORVs is not new. It is typical of *Cultural-lag*: a term describing a condition where a technological development precedes society's ability to handle it. Production and use of a wide variety of ORVs has taken place without the awareness of society in general. The problem of controlling use is therefore attributable, not to the user, but to a lack of knowledge of the administration on how ORVs may be used without adversely affecting the environment.

The only solution to the problem of Cultural-lag is to understand firstly the characteristics of the activity. No legislation will prove totally adequate unless the cause of the problem it is intended to control, is understood.

An insight to the ORV problem can be gained by reference to the United States and Canadian experience where there is ample evidence of large growth rates in the number of ORVs and of related environmental damage and social problems. The findings in the United States have resulted in ORVs being labelled destructive and anti-social. It appears that the West Australian Bill was drafted in this light. It is suggested however that this could be a premature evaluation of a situation where technology has advanced beyond our resources to control its effects.

What is needed is a more systematic understanding of the three characteristics of ORV involvement: the *activity*, the *users* and the *environmental impact*.

The activity is basically a "risk-taking" sport with the goal being mastery of the environment. An understanding of the various forms of the activity and the attitudes of drivers needs to be known.

Research into personalities of sportsmen involved in risk-taking sports indicates that they are often extroverts who when bored with the restrictive urban situation seek relaxation in the natural environment.

The physical, social and cultural environments required for organisation of this sport need to be known.

The physical environment needs to be able to withstand the technology. Engineers, ecologists and noise pollution experts should be consulted to provide guidelines. Within the social environment, the activity should be given every assistance to become institutionalised. In this way users are made responsible for their own facilities. Culturally, the environment is conducive to the marketing and consumption of ORVs.

Basically the problem of ORVs is one of cultural values. People value the opportunity to interact with the environment and ORVs provide a convenient means to do so. Prohibition of ORVs is therefore undesirable as the attraction of freedom from urban restrictions is an activity which many people value.

It is suggested in summary that land should be allocated to ORV groups who should be made responsible for maintenance of their areas in cooperation with expert advice. Communication channels should be developed between user groups and management bodies to aid environmental protection, user group problems and local community problems.

Mr. R. Bailey, Community Recreation Council

Are ORVs Legitimate as a Recreation Pursuit?

The writer representing the Community Recreation Council is concerned that responsible users of ORVs are not prevented from pursuing their chosen recreation.

Before a recreational pursuit can be judged legitimate or not, it must be defined. Most definitions of recreation contain three common elements:

- i) the activity is undertaken voluntarily by the individual;
- ii) the individual derives satisfaction from the pursuit;
- iii) the individual becomes so absorbed that the activity becomes timeless and it becomes a state of mind rather than the performance of an act.

A fourth element for which there is not agreement is whether recreation takes place only in leisure time or whether it can occur in the work situation.

Another facet of recreation is that it is considered worthwhile and socially acceptable. Social acceptability changes with time and conflicts develop between groups with differing views. It is apparent that there is considerable conflict with relation to ORVs.

Conflict can be resolved in four ways. It can be avoided, accommodated, superordinated or compromised. An example of resolving a conflict is given by the example of ballistic sports. Not long ago in Australia it was not uncommon for boys to be expected to shoot especially in the country districts. With a changing attitude toward guns, the discharge of firearms has reached a point where it is a very restricted activity. By compromising some personal liberties such as licensing and registration, the activity has been accommodated

in a regulated environment where its anti-social effects are minimised. Ranges are situated away from urban centres, are screened from view and safety precautions are taken to prevent accidents.

No generalisations can be made with respect to ORVs and recreation. The fisherman who drives a four wheel drive has a primary aim of fishing and the vehicle is purely a form of transport. A beach buggy might however be driven for the thrill of motion. A trail bike rider may get pleasure from a sense of freedom, while trial riding gives a sense of satisfaction from mastering a machine against nature.

All these activities could be considered legitimate in terms of the criteria laid down but the social acceptability of these activities needs to be considered.

There is little doubt that certain ORV activities are regarded as anti-social by other groups when respective activities conflict. The main areas of conflict appear to be territoriality - access to and use of land. If ORVs are considered anti-social, certain questions need to be answered: are they indeed anti-social; to whom are they anti-social; what specific activities are anti-social and what can be done to ameliorate their effects?

It is considered that the Bill in its present form does little to satisfy either users, particularly the responsible users, or the interests with whom the users conflict

Mr. P. Bodeker, "Daily News"*ORVs from a Non-user Viewpoint*

The writer is by his own admission a biased non-user who describes ORVs as noisy and destructive and considers the Bill long overdue though weak and shortsighted.

The writer is fond of the small and fragile things in life and pursues off-road activities such as bushwalking and birdwatching which he considers are also important to a growing number of people who wish to escape the stresses of urban life. He finds his passive off-road recreation shattered by ORVs, usually trail bikes and dune buggies. Apart from noise and physical presence of ORVs, delicate ground vegetation is readily destroyed inviting take over by foreign grasses. Continued wheel scarring causes erosion and blow outs resulting in complete breakdown of the environment.

Not all ORVs are guilty of environmental desecration. Some are used for primary production, some for active recreation while others are used mainly to reach inaccessible places. A proportion and these are registered for road use and the rest which are used exclusively off-road, are not registered at all. It is this latter group for which the Bill is intended.

The Bill sets out to register ORVs and to control their activities in public areas. It is however too open ended and non specific, for example

1. Specified users are granted exemption from the Bill. These users should be required to register their vehicles and to keep out of prohibited areas unless a permit from the land manager is issued.
2. There is no reference to noise which is perhaps the biggest nuisance factor associated with ORVs. Noisy machines should constitute an offence.

3. Safety of machines is mentioned but no guidelines on standards or safety checks are given.
4. There is no mention made of insurance, notably 3rd party which should be a compulsory requirement.
5. Though no person under 18 years old can register an ORV there is no requirement on driver age or training.
6. The Bill does not require drivers to be licensed which could make prosecutions difficult.
7. Local authorities will have the power to approve use of ORVs on public lands. This is not desirable. There should be a provision so that some responsible body such as the EPA has a say in which areas are open to ORVs.

In summary there is an urgent need for legislation to control ORVs. Though this Bill is deficient with respect to exempted vehicles, safety and noise, driver licensing and training, insurance and expert advice on which areas to use, it does deal with vehicle registration and the designation of prohibited areas.

Mr. E. Serls, Western Australian Motor Cycle Association*ORVs from a User Viewpoint*

The writer is Secretary of a Sporting Motor Cycle Association which represents 26 clubs. He is therefore vitally concerned that any legislation protects the interests of the organised clubs.

ORVs are nothing new to Western Australia. Motor-cycles have been ridden in off-road events since 1920. The conditions however under which ORVs operate today have changed.

- i) Community attitude. There is an anomaly in that community attitude demands greater leisure time but is opposed to people enjoying a recreation using powered vehicles.
- ii) Availability of machinery. Prior to 1965 ORVs were mainly a product of the home handyman whereas today there is a wide variety of machines available for purchase.
- iii) Urbanisation. Growth of urbanisation has lead to competition for space around Perth. This is reflected in the lack of areas set aside for ORVs.
- iv) Popularity. Use of ORVs is an established pastime, however as the sport becomes more popular less areas become available for use.

This Bill does nothing to help the responsible users of ORVs. There should be provision in the Bill to encourage organised clubs, or else what organisation there is will be disbanded and the riders will continue to ride, organised or not.

The Minister has given assurances that it is not the intention of government to prevent this sport, however, of most concern is the negative nature of this Bill. No draft regulations exist and as the Bill is only a skeleton some idea of the regulations is necessary in order to appreciate the Bill's likely effect.

The definition of "public area" also causes concern. All places used by ORVs at present are "public areas", even if they are on private land. The fact that "the public is permitted entry whether on payment of a fee or otherwise" under the Bill deems any land used by ORVs "public". This Bill would mean the end of organised sport on private land which is the very thing other speakers say should not happen.

Although the Bill will allow ORV use in non-prohibited areas, there will be very few areas available as few areas are available now. Most land comes under the Town Planning Act, the Noise Abatement Act, the Health, Forests or Water Catchments Act, where ORVs are not catered or planned for. The imposition of another Act will not change this situation unless the problem is recognised and positive planning takes place. Suitable areas for ORV use have been investigated by committees representing users and government and the results forwarded to government. This advice appears to have been ignored and no areas have been set aside whereas the Bill containing all the negative features of the Victorian legislation has been drafted.

Another cause for concern is that patrolmen, by definition, may be appointed by local authorities. This would not be in the best interests of the sport or the Community.

In summary, the ORV problem has arisen due to the increasing popularity of the sport and the failure of planners to recognise its positive elements and to plan for them. The sport can be catered for if positive planning takes place before the problem gets to the stage where drastic negative action as suggested in the Bill becomes necessary.

Mr. R. Deering, Peel and Planning Conservation Committee

Practicality of Controls on ORVs

The writer is a councillor, concerned with conservation issues, in the Peel Region which comprises the Murray, Waroona and Mandurah Shires. The introduction of ORVs has had a marked effect on the fragile areas of this Region.

Over the past decade the Peel Region has had many pressures placed upon it. There has been a great increase in the number of residents, both permanent and temporary, tourists, education groups and holiday makers etc. Statistics show that an average of 4,000 weekenders visit the Region from the metropolitan area and at peak periods this number exceeds 50,000 people.

The local authorities are therefore concerned with planning for this increased pressure. The basis for planning is to establish how land can be used and what controls are necessary to allow maximum utilisation without degradation. In the Peel Region there is concern with groundwater pollution, stormwater runoff, septic drainage, the creation of trails in erosion-prone areas and the "invasion" by people of rural and natural areas. These factors are all contributed to by ORVs. It is therefore envisaged that stricter controls will need to be introduced to balance the accelerating use by the public of the fragile areas of the Region.

Along the Coastal Plain, the estuaries, swamps and waterways are very vulnerable especially during winter when they are inundated. There is danger that these waterways and the adjacent lands to which people are attracted will be degraded unless protected.

Sand dunes are also very prone to ORV abuse. This aspect of the problem has received publicity and will probably be well controlled and policed. It must be realised however that it costs \$16,000 per hectare to reinstate a sand dune area with no guaranteed results. Acknowledging that ORVs offer an exciting pastime and are here to stay, there is a definite need for controls that are practical and flexible.

With reference to the Bill, the controls being considered are not sufficient. There is a local problem with camping of overnight stayovers and transport of ORVs to out of the way areas using watercraft. There is no mention made of whether exempted vehicles will be issued with permits or of the size of the number plates. Although drivers over 18 years old will be able to register an ORV, there is no requirement for drivers to be licensed or insured. A large number of riders are under 18 years and it is this group which should also be licensed and protected by insurance. There is no mention that organised clubs will be given any special form of identification, nor have there been any noise standards set.

In summary, there is a need to research the demand for the resources of the Region; to establish land usage; and to control human usage of the land. With respect to ORVs there must be cooperation by all bodies to ensure the practicability of controls to prevent over usage and subsequent degradation of land used by these vehicles.

Mr. R.J. Court, Chief Executive Officer, Road Traffic Authority*The Implementation of Controls on ORVs*

The writer represents the Road Traffic Authority which will be responsible for administering the Bill. From a policing point of view, the Bill must be enforceable and in some respects be compatible with the Road Traffic Act.

Role of the Road Traffic Authority

The Bill, as presented, appears to impose two responsibilities on the Road Traffic Authority, namely:

- a) to register vehicles not already licensed under the Road Traffic Act;
- b) to enforce compliance as to the use of vehicles in prohibited places.

Registration appears a simple procedure. Fees are nominal being \$8.00 for the first twelve months and \$4.00 for each twelve months thereafter, with a \$4.00 fee for transfer of ownership. It is probable that owners would apply to register a vehicle of a certain description, which can be identified on a license document. A number plate will be issued which although the Bill does specify position, must be fixed to the vehicle.

Apart from the right of the Authority to refuse registration of a vehicle that, in its opinion, would be dangerous or unsafe in a public place, there are no mechanical standards specified. It is not envisaged that all vehicles will be inspected at the point of registration though the question of safety will obviously be considered when a patrolman picks up a vehicle. There is no provision for noise in the Bill. There is no third party insurance and the only restriction on ownership is that a person must not be under eighteen years of age. The Bill provides no restrictions on driver qualification either by age or technical expertise.

There is no provision whereby an owner is responsible for the actions of a driver, juvenile or otherwise. There should be some prohibition on "permitting" as well as driving.

The Road Traffic Act generally applies only to roads but certain offences, such as driving with 0.08% alcohol in the blood, reckless and dangerous driving, etc., apply to public places and therefore drivers of recreational vehicles would be liable similarly as drivers of other vehicles on public roads. This could create some complex situations in respect to drivers' licenses.

The provisions of the Road Traffic Act apply in respect to the reporting of accidents whether on the road or not and the rendering of aid to injured persons. An offender against the Act is also obliged to give his name and address to Patrolmen, as provided in the Act.

From an enforcement point of view, some omissions lie in the fact that there are not equal onus provisions as contained in Section 98 of the Road Traffic Act. These are briefly, that an averment in the complaint is proof of such matters, the vehicle was registered in a given name, the complainant is an authorised person to make the complaint and the person named in the complaint is the person who committed the alleged offence. Section 98 of the Road Traffic Act could well be inserted in toto in this Act.

The maximum penalty for an offence against the provisions of the Act is \$200.00 and \$100.00 for a breach of any regulations promulgated under the Act. No provision is made to deal with offences by way of an infringement scheme and all proceedings would have to be heard in a Court of summary jurisdiction.

From the Road Traffic Authority point of view it would be preferable to have the State open for use by ORVs with minor areas declared prohibited.

Mr. F.W. Byfield, Under Secretary for Lands

Should ORVs Utilise Vacant Crown Land?

The writer is Under Secretary for Lands and his Department is responsible for administration of Crown lands as dictated by the Land Act.

The Land Act defines Crown land as ... lands of the Crown... except land ... reserved ... to any public purpose; granted or; lawfully contracted in fee simple or with the right to purchase ... and includes all lands between high and low water mark on the seashore and on the banks of tidal waters. So reserves, national parks, forests are NOT Crown lands but pastoral leases are.

Section 164 of the Act makes it an offence to trespass on Crown land without permission. The ORV Bill refers to "public areas" as "any area open to or used by the public or to which the public is permitted ... to have access." This appears to exclude Crown lands, pastoral leases, some reserves and private land.

Section 8 of the ORV Bill says an unregistered ORV cannot be used in a public area. Does this mean that an *unregistered* vehicle *may* be used in a *non-public* area ie Crown land and private land? It appears that this Bill does not afford protection to Crown land unless supplementary action is taken to declare it a prohibited area.

So far Crown land has only been made available to ORVs in a casual manner. In the beginning of a new craze Crown land availability should not be expected. If a stable demand develops the government could become involved.

In principal, Crown land should be utilised for the benefit of the greatest number of people. Some ORVs however require a large amount of land to amuse a few and some ORVs are noxious to other people through noise, dust and environmental damage. The problem of providing space is complicated when spectator interest grows.

The safety of both the user and the neighbouring public is another factor. If there is no way of obtaining a reasonable compliance with measures designed to fit ORVs into society, one should err towards NOT providing Crown land. The thoughtfulness of riders toward other people therefore has a bearing on this matter.

The question, to what extent should users be expected to provide for themselves and not draw on community resources is important. There could be circumstances however when only Crown land provides features desired by users. Uncommitted Crown land is not as freely available as most people seem to believe especially around centres of population. Most Crown land is reserved for a particular purpose and vested with a responsible body.

Assume there is uncommitted Crown land in a desirable location. It is relatively easy to set aside or lease it to a club. The manner in which the land is treated is important i lease renewal. This however cannot happen for every club, and sharing of land must occur. Mini bikes trial bikes or beach buggies could be accommodated in defined areas. With these users organised clubs present fewer problems to the Lands Department than a loosely united group of individuals especially when it comes to the filling of responsibilities.

Trail bikes and four wheel drive vehicles however present almost insoluble problems. Their destructive potential is great and education of users in this respect might contribute something to the whole ORV problem.

The ORV problem appears to be a question more of man than of machine. All ORVs can be destructive or a nuisance - it is the rider or driver who determines the degree of the offence.

Mr. P. Hewett, Forests Department

Problems Confronting Land Managers Relating to ORVs

The writer is an officer with the Forests Department, which manages the State forests, and a member of a group concerned with recreation on the State's water supply catchment areas.

The paper deals with specific administrative and managerial problems which arise from ORVs. Two assumptions are made, first that bonafide official vehicles are not an ORV problem and second that earth moving and logging equipment is always used according to a management plan.

Over the past 100 years, forests have been used mainly for the production of timber. In recent years they have become the subject of multiple-use planning. Forests have a multitude of uses and one of these is that they cater for a wide range of recreational activities. One of these activities, the use of ORVs is one of the least popular in terms of numbers of people.

The Forests Department has the legal authority to administer the forests and to work in conjunction with the Water Supply Authorities whose reservoirs depend on well managed catchment areas. ORVs have both direct and indirect effects on the forest environment.

Direct effects include damage and disturbance to flora and fauna; erosion; bushfires; spread of disease and traffic hazards. Indirect effects include siltation of dams; turbidity of waters leading to viral or bacterial risk; and salinity. At present, West Australia is fortunate in having a good cheap supply of potable water. Should our waters become contaminated with silt, bacteria or salt it would be extremely expensive and difficult to overcome the problem. These undesirable effects can only be increased by uncontrolled use of ORVs of any sort.

The Forests Department is usually well informed about the activities of ORV clubs and with their cooperation, can often accommodate their needs. Clubs however, only represent a minority group catering for about 10% of all ORV users. The clubs therefore are not a problem, it is the other 90% of users which the Department does not have communication with and which this Bill is intending to control. Land managers cannot predict or prepare for the majority, as users may not visit the same place twice; may choose the worst combination of season and place to drive and are likely to resist any form of restraint.

By comparing the special needs of the loner with those of other recreation users of the forest, it can be seen that loners lead to the biggest managerial problem. For example:

50 picnicians	may be catered for on 2	hectares
50 orienteers	may be catered for on 20	hectares
50 trail bike club members	require 200	hectares
50 trail bike loners	may require 2000	hectares

The trend indicates that ORV loners require a disproportionate area when compared to other types of forest users. Add to this spatial requirement the almost total lack of communication and the problem of management is obvious.

Solutions to the problem are not simple. Extensive areas of the forest must be closed at times (quarantine areas) Others can be set aside for use but only under conditions likely to be unacceptable to specific types of ORVs. No vehicle designed and built and used for "bushbashing" can be accommodated in a forest. Smaller ORVs however which can use existing tracks need not necessarily be excluded.

Some progress has been made by the Department in catering for various users. Organised motor rallies have been approved for the last four years; there is a relatively trouble-free system of approvals for events for trail and trial clubs and

and there are two areas specifically set aside for general use with four more likely in the near future.

In summary, uncontrolled use of ORVs could create extensive and expensive problems for the State. Through clubs, various ORVs can and have been catered for in the forests. Control of loners presents the major managerial problems.

Mr. T. Trewin, Administrator, Security Department, Shire of
Wanneroo

*What Role will Local Authorities Assume Under the Proposed
Legislation?*

The writer is the Administrator of the Security Department of the Shire of Wanneroo. Wanneroo, one of the largest Shires in the metropolitan area includes large tracts of fragile dune country which have increasingly become the playground for many ORV users. The problems faced by Council rangers are typical of those faced by other local authorities.

The Shire of Wanneroo will actively assist the Road Traffic Authority (RTA) in management and enforcement of this Bill. Council has experienced the problem of ORVs using public open space, reserves, beaches and private developers' land. On private lands for example where vegetation has been denuded, restoration and signposting has been undertaken at the developer's cost. Often further damage has occurred and the developers have turned to Council for assistance. At present legislation does not offer any power or practical control to Council.

The possibility of a central body to control ORVs needs consideration with power given to Councils to deal with problems at "grass-roots" level and to the RTA who would be responsible to the Minister. Councils could be kept informed on emission standards, prohibited areas, responsible clubs etc by the RTA. Council officers should be given some authority to act in areas adjacent to their own local area.

The Shire's attitude toward ORVs is one of tolerance of organised clubs but concern for the irresponsible. The Shire does not see itself as a bounty hunter under the Bill but rather as a manager of the environment. The law however will be enforced where the ratepayers and residents are adversely affected by ORVs. It would be desirable if enforcement was by the courts rather than by way of an "on-the-spot" fine system.

The Shire has set aside lands for the use of ORVs. Approximately 30ha is provided for mini bikes and 25 ha for beach buggies. These areas which are future refuse disposal sites have been available to organised clubs for 2 years.

The Shire has eight patrol officers equipped with four wheel drive vehicles and a trail bike, however prosecution of irresponsible unlicensed drivers is difficult. To enable effective management and control, all ORVs should be registered and a number plate issued. There should also be an owner onus as contained in the Road Traffic Act. In this way, if a user is not apprehended it is up to the owner to provide details.

The Shire covers 300 square miles and in that are large areas of reserve which the Council is responsible for. To enable legislation to be enforceable Council may consider setting aside another area for use by ORVs. It is with this "live and let live" approach that Council hopes to accommodate ORVs.

V SUMMARY OF DISCUSSION PERIOD

The session involved open discussion on points raised during the day. The following is a summary:

NOISE

It was pointed out that the Bill contains no reference to noise. ORVs operate in a normally quiet environment where the background noise level is 30-40 dB(A)* The noise emitted by ORVs is often 40-50 dB(A) above this level. A noise is a "nuisance" under the Noise Abatement Act if it is 10 dB(A) above the background level. It was therefore suggested that in order to preserve the quality of life in off-road areas, the noise emissions of ORVs should be limited to an acceptable level (see Appendix 2).

In the discussion which followed, it was pointed out that manufacturers are aware of their responsibility to produce vehicles which do not make excessive noise. A problem however is that there has been no simple noise test devised which is suitable for ORVs. There has been talk of an 86 dB(A) upper limit but if machines cannot be tested easily and quickly this limit is meaningless. It is therefore difficult for manufacturers to produce "quiet" vehicles.

There was general agreement that noise is a problem which should be controlled though there could be difficulties with administration and prosecution of offenders.

Discussion on how noise could be limited ranged from banning the sale of noisy machines, the manufacturer of quiet machines and the compulsory fitting of mufflers.

* dB(A) - abbreviation for measurement of noise in decibels weighted for human audible response.

A motion was then put forward, seconded and carried (with only one dissident) which "*recommended that some provision for the control of the noise factor in Off-Road Vehicles be considered for inclusion in the intended legislation.*"

CLUBS Vs LONERS

Several speakers brought up the subject of how to reach and educate non-club members and many of the points raised during the day related to this subject.

A non-club member was classed either as a "loner" or an "outlaw" - the latter referring to a loner who is socially undesirable and often physically destructive. It was pointed out however that many individuals who used ORVs to reach remote areas for the pursuit of some other sport, such as fishing, are in the main responsible people.

State and local government officers find it easier to deal with clubs as they are more accessible for instruction on how to use an area or for the allocation of responsibility. Trying to cater for the many unreachable loners is obviously more difficult.

The feeling of the meeting was strongly in favour of a severe deterrent for the outlaw which ranged from a \$500 fine to confiscation of the vehicle. It was felt that there should be more incentive for loners to get into clubs by way of:

- i) having severe penalties for loners who break the law;
- ii) financial benefit possibly through higher non-club insurance and registration fees;
- iii) allowing club members more freedom within the law.

This could be brought about by allocating clubs land or through a system of PERMITS.

There was divided opinion on whether users should be forced to join clubs. Many loners do not want to be part of a club and even if this were the case, clubs would probably grow to an unmanageable size which would defeat their original purpose.

A point to note here is that the seminar was largely attended by club members and not loners and hence a biased opinion against loners prevailed. As only about 10% of ORV users belong to clubs, the club's solution to the loner problem must not be taken as representative of users as a whole. The loners that were present wanted areas defined as open for general use and did not want favours granted to clubs.

There was a parallel drawn between ORV use and rifle shooting where in order to enjoy shooting, a person is virtually obliged to join a gun club. As ORV use appears to antagonise a large section of the population, possibly this club approach could be adopted although the problem of the use of ORVs merely to obtain access for some other purpose remains.

POLICING

The problem of policing brought up the question of whether local authorities should aid the police and RTA on this matter. Clubs felt that they could "police" their own members, which again brought up the question of the loner. It was pointed out that many people break the law out of ignorance as they don't know where to go but the setting aside of open areas could help ameliorate this problem.

The matter of fines was again raised. Non users and club members favoured large fines or confiscation where payment of a fine would fall upon the parent rather than the user.

PLANNING

It was apparent that despite the absence of many loners, both clubs and loners desired access to certain areas in order to enjoy their sport. The non-users on the other hand objected to what they regarded as a noisy and destructive sport spoiling quiet bushland areas.

There was general agreement that town planning bodies have not recognised the need to cater for ORVs and that if areas are planned for and set aside for ORVs the problems of many clubs and some of the loners will be solved. The problem of the non-user would also be eased as ORVs would be confined and these areas could then be avoided.

The question was then put by the Chairman: Does this legislation meet the problems as we see them?

In answer, the point which was borne out most strongly was that the Bill is too NEGATIVE in that it does not make provision for the setting aside of areas for ORV use. It was pointed out that several areas had been recommended for ORV use by the Community Recreation Council in conjunction with user groups, but that not one of these areas has since been declared open. It was apparent that there is a need for this legislation to go hand in hand with appropriate planning.

The clubs were anxious to point out that despite management bodies stating that clubs were easier to cater for, no clubs had been successful in obtaining land for their own permanent use.

The users did not object to registering their vehicles but wanted areas set aside for their use in return. Without areas set aside, users will be in the same position as they are already, ie nowhere definite to go, but with the added cost of registration etc. There was agreement that ORVs exempted under section 4 (mining, fishing etc) should be registered along with all recreational ORVs but that the former could apply for a permit which would exempt them from the other restraints of the Act.

Other points which were raised included insurance, and minimum age limits. It was generally agreed that insurance should be a part of the legislation. With respect to age, it was pointed out that the Bill prevents the registration of a vehicle by a person under the age of 18. This does not however prevent a driver being under 18. It was therefore suggested that drivers should be licensed and vehicles registered as for on-road vehicles.

In summary it appeared that everyone at the seminar was in favour of legislation to control the use of ORVs but that this particular Bill did not cover several points which those attending thought important enough to be included. The main point of contention was not whether there should be an open or restricted approach but whether areas ARE going to be set aside or NOT.

OFF-ROAD VEHICLES SEMINAR

APPENDIX 1

PROGRAMME

SESSION 2

SESSION 3

SESSION 1

ORVS - ARE THEY LEGITIMATE OR NOT?

ORVS - WHERE TO PUT THEM?

OPENING - Chairman : Dr B.J.O'Brien
Director Department of
Conservation and Environment.

Chairman : Dr B.J.O'Brien

Chairman : Mr C. Porter
Assistant Director,
Department of Conservation and
Environment.

9.00am-9.10am Chairman's Address
9.10am-9.25am Hon. R.J. O'Connor
Minister for Transport,
Police and Traffic.

11.00am-11.25am Mr R. Bailey
Community Recreation
Council
*Are ORVs Legitimate as
a Recreation Pursuit?*

2.00pm-2.25pm Mr F.W. Byfield
Under Secretary for Lands
*Should ORVs Utilise
Vacant Crown Land?*

INTRODUCTION

9.25am-9.50am Mr. P. Woods
Department of Conserv-
ation and Environment
*Overview of ORVs in
Western Australia*

11.25am-11.50am Mr P. Bodeker
"Daily News"
*ORVs from a Non-user
Viewpoint*

2.25pm-2.50pm Mr P. Hewett
Forests Department
*Problems Confronting
Land Managers Relating
to ORVs*

9.50am-10.15am Mr J. Grasby
Soil Conservation Service
Department of Agriculture
*Impact of ORVs on Soils
and Vegetation.*

11.50am-12.15pm Mr E. Serls
W.A. Motor Cycle Assoc.
ORVs from a User Viewpoint

2.50pm-3.15pm Cr. K. Paterson
Shire of Wanneroo
*What Role will Local
Authorities Assume Under
the Proposed Legislation?*

10.15am-10.40am Dr G. Watson
Dept of Physical Education
and Recreation
University of W.A.
The Social Costs of ORVs

12.15pm-12.40pm Mr R. Deering
Peel & Planning Conserva-
tion Committee
*Practicality of Controls
on ORVs*

3.15pm-3.45pm Afternoon Tea.

10.40am-11.00am Morning Tea.

12.40pm-1.00pm Mr R.J. Court
Chief Executive Officer
Road Traffic Authority
*The Implementation of
Controls on ORVs*

3.45pm-5.00pm General discussion.

5.00pm-5.05pm Chairman's Summary.

1.00pm-2.00pm Lunch.

COMMON NOISE LEVELS

The sound pressure level or energy associated with the noise of a rock band is about 100,000,000 times greater than that of rustling leaves, and yet the human ear is capable of perceiving noises at both levels. In order to measure noise, over this great range, while avoiding the use of such huge numbers, a "logarithmic" scale has been devised. The units of this scale are called decibels (dB). The table indicates the relationship between the decibel scale and a more cumbersome relative energy scale.

	Loudness in Decibels (dB)	Sound Pressure or Relative Energy
<u>Lethal Level*</u>	180	10,000,000,000,000
	170	1,000,000,000,000
Jet at 100 feet	160	100,000,000,000
	150	10,000,000,000
	140	1,000,000,000
	130	100,000,000
<u>Threshold of Pain*</u>	120	10,000,000
Accelerating motor cycle	110	1,000,000
Rock band	100	100,000
City traffic	90	10,000
<u>Critical Level*</u>	80	1,000
Alarm clock	70	100
Normal conversation	60	10
Quiet street	50	1
Quiet room	40	0.1
Whisper	30	0.01
Rustling leaves	20	0.001
	10	0.000,1
<u>Threshold of Hearing*</u>	0	0.000,01

It is important to note from the table that if the loudness (in decibels) increases by say 20dB then the energy increases by 100 times and likewise a 30dB rise means a 1,000 times increase in energy (i.e. 20dB = 100 times, 30dB = 1,000 times).

For example, when a motor cycle accelerates (110dB) along a quiet street (50dB) the noise to a bystander increases by 60dB, but the energy reaching his ear increases by 1,000,000 times (i.e. 60dB = 1,000,000 times energy).

It is generally accepted that a noise, 10dB above the background level, is a "nuisance". It is apparent therefore, that an ORV is likely to create a noise nuisance in almost any residential area, unless suitably silenced, or in any natural area unless silenced and/or sufficiently separated from other activities.

* From experiments it has been shown that prolonged exposure to a noise level of 85dB results in permanent damage to the human hearing mechanism. Short exposure to 100 - 125dB can cause temporary deafness, and physical discomfort is experienced when the noise level reaches 120dB. Death can occur when the noise level reaches 180dB.

dB(A) is noise level in decibels in the A scale of frequencies, the scale to which the human ear is most sensitive.