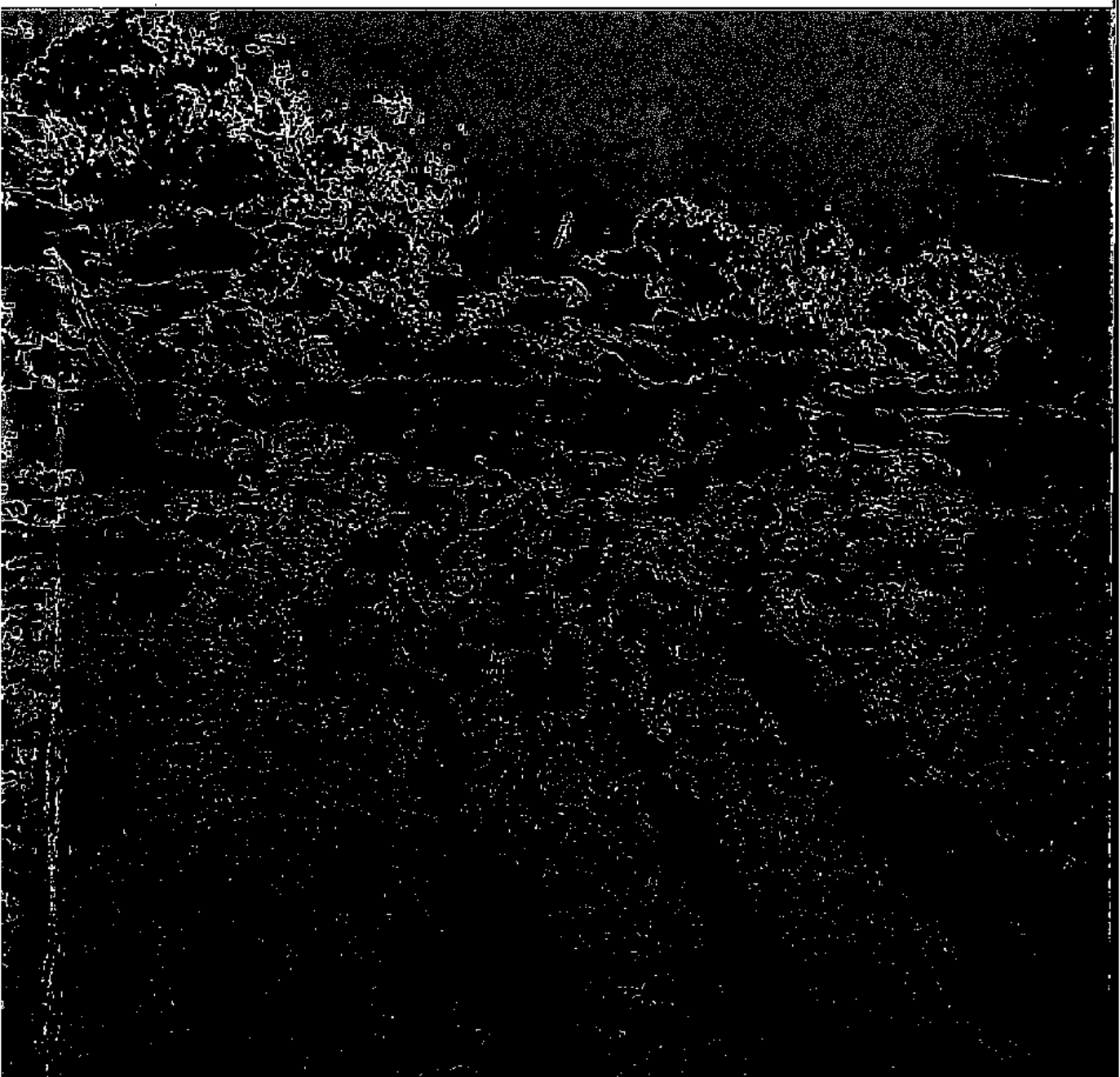


# **OFF-ROAD VEHICLES**

**IMPACT ON THE AUSTRALIAN ENVIRONMENT**



Third Report of the House of Representatives  
Standing Committee on Environment and Conservation  
March 1977

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HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ENVIRONMENT  
AND CONSERVATION

The Committee was appointed by resolution of the House of Representatives on 17 March 1976 to inquire into and report on -

- (a) environmental aspects of legislative and administrative measures which ought to be taken in order to ensure the wise and effective management of the Australian environment and of Australia's natural resources, and
- (b) such other matters relating to the environment and conservation and the management of Australia's natural resources as are referred to it by -
  - (i) the Minister for Environment, Housing and Community Development, or
  - (ii) resolution of the House.

These terms of reference are identical with those of the Environment and Conservation Committee established in the Twenty-eighth and Twenty-ninth Parliaments.

On 11 September 1975 the Committee of the Twenty-ninth Parliament appointed a sub-committee to inquire into and report on the impact of off-road vehicles on the Australian environment. At the dissolution of the Twenty-ninth Parliament the only progress that had been made with the inquiry was that it had been advertised in the press and a large number of submissions had been received. The inquiry

was resumed by a sub-committee appointed for the purpose by the present Committee. The conclusions and recommendations in this Report are based on the evidence taken by that sub-committee.

#### Membership of the Committee in the 30th Parliament

Chairman	- Mr J.C. Hodges, M.P.
Members	- Mr M. Baillieu, M.P.
	- The Hon. G.M. Bryant, E.D.,M.P.*
	- The Hon. M.H. Cass, M.P.
	- Mr P.S. Fisher, M.P.
	- Dr H.A. Jenkins, M.P.
	- Mr B.D. Simon, M.P.
	- Mr I.B.C. Wilson, M.P.

Clerk to the Committee - Mr M. Adamson

#### Membership of the sub-committee

Chairman	- Mr I.B.C. Wilson, M.P.
Members	- Mr M. Baillieu, M.P.
	- The Hon. G.M. Bryant, E.D.,M.P.*
	- The Hon. M.H. Cass, M.P.
	- Mr B.D. Simon, M.P.

Clerk to the sub-committee - Mr M. Adamson

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\*Mr Bryant replaced Mr M.J. Young, M.P. as a member of the Committee and of the sub-committee on 14 October 1976

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Use of this material is acknowledged with thanks.

## CONCLUSIONS

The Committee has considered all the evidence presented to it and has drawn a number of conclusions about the use of off-road vehicles. The Committee's recommendations are drawn from the following conclusions.

The Committee concludes that:

1. the use of 4WD vehicles, trail and mini-bikes and dune buggies are established recreational pursuits in Australia. (para 30)
2. the use of these vehicles is likely to grow in popularity in the future, although at a slower rate than previously. (para 30)
3. the indiscriminate use of off-road vehicles can cause serious damage to the environment. (para 63)
4. users of off-road vehicles should be made aware of their vehicle's potential for causing damage and legislative controls should be placed on the use of off-road vehicles. (para 63)
5. a combined approach of education and legislation is the most effective way of reducing the environmental damage caused by off-road vehicles. (para 63)
6. ORV users are not a homogenous group and their type of recreation differs widely. (para 71)

7. land management policy which will effectively cope with the requirements of ORV users and protect the environment must fulfil a number of different needs. (para 71)
8. those engaged in survey, research, exploration, environmental, engineering or scientific work should be made aware of the potential of their vehicles for causing environmental damage, and should take positive steps to minimise damage, particularly in arid areas. (para 75)
9. when tracks have been formed for exploration or survey work, the affected areas should be rehabilitated, where this is practicable, once the work has been completed and the tracks no longer required. (para 75)
10. while many primary producers are aware of the impact of off-road vehicles there is a need for continuing programs of education to assist farmers to prevent erosion of their land. (para 76)
11. land managers are conscious of the effects of their ORVs and should be aware of the dangers of excessive use of ORVs. (para 77)
12. ORVs are frequently a necessary part of rescue operations. (para 78)

13. the Army is aware that its vehicles cause environmental damage in Army controlled areas and on private land proclaimed for Army use, and takes action to repair this damage. (para 80)
14. vehicular use should be restricted and if necessary prohibited in areas with high nature conservation or wilderness value, in fragile environments such as stabilizing and vegetated sand dunes, arid areas, alpine moors and wetlands, and in areas of historical, geological or archaeological significance. (para 114)
15. it supports the concept of a zoning system which would regulate vehicular and pedestrian access to specific areas. (para 115)
16. it supports the concept of multiple use of areas such as forests for both vehicular and non-vehicular recreation. (para 115)
17. measures should be implemented to restrict ORV use in urban and rural/urban fringe areas, to sites specifically set aside for their use. (para 116)
18. the environment as a whole can best be protected by providing specific areas in which ORVs can be used and educating users to understand the reason for restrictions. (para 116)



19. the development of commercially run off-road vehicle sites is to be commended. (para 120)
20. an undertaking by proprietors to implement conservation programs should be a condition of approval by local authorities for the use of areas as ORV parks. (para 120)
21. trail bike riders should ride only on roads or areas specifically set aside for ORV use. (para 121)
22. at no time and under no circumstances should 4WD vehicles or any other type of vehicle go off the road in ecologically sensitive fragile areas or in national parks or in any areas where the law prohibits use of vehicles off road. (para 122)
23. over-snow vehicles should not be used for recreational purposes in Australia. (para 123)
24. State and local governments should have the responsibility for allocating land for ORV use. (para 126)
25. sites for ORV use should be leased to clubs, private entrepreneurs, ORV distributors or local councils to administer. (para 126)
26. ORV users should be required to contribute to the cost of land for their recreation. (para 127)

27. there should be a form of compulsory registration which enables vehicles to be registered as recreation vehicles for use only off roads. (para 130)
28. recreation vehicle registration should require compliance with safety standards and maximum noise limitations and the display of recreation vehicle registration plates. (para 130)
29. third party insurance should be made a condition of recreation vehicle registration as it is of normal road registration. (para 130)
30. new types of ORVs either imported or manufactured in Australia should not be allowed recreation vehicle registration until an environmental impact assessment has been made. (para 133)
31. the noise made by trail and mini-bikes should be controlled whether the vehicles are road registered or not. (para 139)
32. those states with ORV legislation should require that vehicles registered as recreation vehicles be subject to the provisions of ADR 28. (para 140)
33. those states which do not have ORV legislation should include compliance with ADR 28 in any future ORV control legislation. (para 140)

34. those states which do not already have legislation to control vehicle noise should urgently consider introducing such legislation.  
(para 141)
35. governments which have enacted legislation to control ORV use should issue simple explanations of their legislation to ORV users.  
(para 143)
36. articles and programs about ORVs should project an environmentally responsible attitude towards their use and that the Australian Press Council should take note of this conclusion.  
(para 144)
37. manufacturers, distributors and advertisers have a responsibility to ensure that their advertising material does not depict off-road vehicles damaging the environment or in any other way encourage irresponsible use of ORVs and that the Australian Association of National Advertisers should take note of this conclusion.  
(para 145)
38. in general, membership of an ORV club heightens awareness of environmental matters.  
(para 149)
39. public forums for discussion of off-road vehicles have been of value in generating knowledge and appreciation of associated environmental issues.  
(para 152)

40. the environment as a whole can be better protected by banning the use of vehicles off road except in specific areas. (para 156)
41. it is important that adequate ORV areas be provided and that these areas are suitable for ORV use. (para 156)

## RECOMMENDATIONS

The Committee recommends that:

1. the Commonwealth, state and local governments sponsor a program to promote environmental awareness in ORV users and that this program be channelled through ORV clubs, distributors, the media, community groups and schools.  
(para 150)
2. the Department of Environment, Housing and Community Development in conjunction with ORV groups and land management authorities, draft a code of ethics for ORV use. (para 147)
3. the Minister for Environment, Housing and Community Development draw the attention of other members of the Council of Nature Conservation Ministers to the Committee's conclusion on the need for legislation to control vehicle noise. (para 141)
4. the Minister for Environment, Housing and Community Development request the Council of Nature Conservation Ministers to develop national guidelines for legislation and management policy regarding off-road vehicles.  
(para 158)

5. specific legislation should be introduced in the Australian Capital Territory and the Northern Territory as soon as possible and should cover the following points:
  - . registration of vehicles for recreation use;
  - . display of registration plates;
  - . third party insurance of these vehicles;
  - . provision that an environmental impact assessment be made before any new types of ORVs manufactured in Australia are permitted recreation vehicle registration;
  - . age/power limits as in Victorian legislation;
  - . safety standards for vehicles;
  - . compliance with ADR 28 on noise levels;
  - . provision of areas specifically intended for ORV use;
  - . prohibition of the use of vehicles off road except in areas specifically set aside for off-road use.  
(para 157)
6. the Commonwealth Government require that prior to the importation of any new type of off-road recreational vehicle an environmental impact assessment be undertaken. (para 160)
7. the Commonwealth Government encourage research to be undertaken on the carrying capacity of various ecosystems. (para 161)

8. the Commonwealth Government sympathetically consider requests from non-government bodies for financial assistance for this type of research. (para 161)
9. the import of over-snow vehicles for recreational purposes be prohibited. (para 160)
10. rehabilitation of tracks no longer in use should be undertaken by the company, government department or person responsible for creating the tracks. (para 75)
11. the Department of Defence in association with the Commonwealth Scientific and Industrial Research Organisation continue its program of regenerating areas damaged by Army activities. (para 80)
12. the Department of Defence take account of the possible environmental impact of its vehicles when selecting areas for Army training purposes. (para 80)
13. further research be done by the Commonwealth Department of Transport with a view to decreasing the maximum noise limits imposed on motor bikes under ADR 28. (para 139)
14. responsible authorities require proprietors of ORV parks to implement good conservation programs. (para 120)

15. the Commonwealth Government encourage the organisation of a further national symposium on off-road vehicles. (para 153)

## CHAPTER 1

### INTRODUCTION

#### The Reference

1. On 19 September 1973 the then Minister for Environment and Conservation, the Hon. M.H. Cass, M.P. wrote to the then Chairman of the House of Representatives Standing Committee on Environment and Conservation, Dr H.A. Jenkins, M.P. requesting the Committee to inquire into the impact of all terrain vehicles on the Australian environment. On 27 September 1973 the Committee decided to carry out such an inquiry at a future date.
2. On 11 September 1975 the Committee resolved to inquire into and report on the impact of off-road vehicles on the Australian environment. The use of the term "off-road vehicles" was felt by the Committee to be less specialised in its meaning than "all terrain vehicles" (see paragraph 16). Submissions were called for but no evidence was taken in the 29th Parliament.
3. On 6 May 1976 the present Committee resolved that the inquiry be resumed with identical terms of reference and appointed a sub-committee to conduct the inquiry.

#### The Evidence

4. The reference was advertised in the main Australian newspapers on 20 September 1975 and 120 major submissions were received during the course of the inquiry. The Committee also received letters from 350 individuals and organisations

putting a variety of points of view. Of these it could be said that 60 per cent did not want restrictions or controls placed on the use of ORVs and the remainder wanted some controls placed on their use.

5. Ninety-four witnesses representing fifty organisations including state government, local government, user groups, conservation groups and academics gave verbal evidence before the sub-committee. A list of witnesses who appeared is given in Appendix 1. Submissions from seven other organisations were also incorporated in the transcript of evidence.

6. The sub-committee took over 2,000 pages of evidence during the ten days on which public hearings were conducted in Canberra, Melbourne, Perth, Alice Springs, Adelaide, Sydney and Brisbane. Evidence taken at the public hearings is available for inspection in Hansard form at the Committee Office of the House of Representatives and the National Library.

7. During the course of its investigations the sub-committee inspected areas around Canberra used by trail bikes including the trail bike site in the Mt Stromlo Forest, parts of the Gembrook State Forest in Victoria, areas around Alice Springs and the Simpson's Gap National Park, sand dunes near Newcastle and a commercially run motorcycle park in New South Wales.

#### Background to the Inquiry

8. The recreational use of off-road vehicles is a pastime which has emerged in the last ten years and has rapidly gained popularity both in Australia and overseas. It has been estimated that there were over five million of these vehicles in the United States in 1971, and this figure is expected to rise to ten million by 1977. Australian figures are unknown but it is clear that a large number of off-road vehicles are used in all states for recreational purposes and the number is growing. There has been an increase in public expressions of concern at the growing environmental damage, noise and social nuisance caused by these vehicles in urban areas, national parks and other open land.

9. All states and territories now recognise that uncontrolled use of ORVs can cause damage, sometimes widespread, to the environment. The matter was discussed at a meeting of State and Commonwealth nature conservation ministers in April 1975. In August 1975 the Council of Nature Conservation Ministers (CONCOM) established a working party to report on off-road vehicle use in national parks and on other government land. The working party reported to the Council in August 1976. The recommendations of the report were endorsed by the Council and submitted to this Committee (see Appendix 2).

## Commonwealth Involvement

10. The Committee believes that the Commonwealth has a direct involvement in this matter in two ways - through its obligations under international agreements on wildlife and because off-road vehicles are used in the Commonwealth Territories. The Committee also regards the problem as a nation-wide one which warrants consideration by the Commonwealth Parliament. The inquiry has provided a cross fertilisation of ideas between government at various levels, users, community groups and concerned individuals on the problems of ORV use. This report attempts to present a balanced analysis of the problem and practical recommendations for action. It is hoped that it will assist user groups, other recreationists and land managers to understand each other's points of view. The Committee hopes that this report will result in vehicles being used in ways which will minimise damage to the Australian environment.

## CHAPTER 2

### DEFINITIONS

11. It became clear to the sub-committee early in the inquiry that witnesses held different interpretations of a number of basic terms. The definitions which were adopted for the purpose of the inquiry are set down in the following paragraphs.

#### Road

12. The Committee accepted as its definition of the term "road" that adopted by the Victorian Government in its legislation. Other states define road in different ways but for the purpose of this report the Committee considers a "road" to be any road formed with the approval of a land management authority for the passage of vehicles with four or more wheels.<sup>1</sup> Throughout this report the term "road" is used with this meaning. Witnesses differed in their opinions as to what was meant by "formed". The sub-committee accepted the definition offered by the Victorian Crown Land Department, i.e. formed by mechanical means.<sup>2</sup> Thus forest tracks are roads, but a track made by a trail bike or car is not.

#### Land

13. The Committee was primarily interested in the use of off-road vehicles on Crown and public land. However during the course of the inquiry it became clear that their use on private land in certain instances could come within the scope of the reference.

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<sup>1</sup> Transcript of Evidence p164

<sup>2</sup> Transcript p511

## Off-Road Vehicles

14. Many witnesses questioned the use of the term "off-road vehicle" (ORV) and pointed out that most conventional vehicles could be driven off roads and that many four wheel drive vehicles were mainly driven on roads. The Committee accepted that environmental damage can be caused by using any vehicle off the road regardless of whether or not it is designed specifically for such use. The Committee's conclusions and recommendations apply equally to off-road vehicles and vehicles used off road.

15. While concentrating its inquiries on those vehicles which are used for recreational purposes, the Committee also considered vehicles that are used in land management, primary production, rescue, survey and exploration operations and Army training exercises. The Committee therefore decided to use the term "off-road vehicle" rather than the term "motorised recreation vehicle" which is widely used in overseas literature on this subject. Purely agricultural machines such as tractors were not included in this inquiry.

16. Some witnesses used the term "all terrain vehicle" (ATV) in referring to off-road vehicles. The Committee has interpreted "all terrain vehicles" to mean a specific type of off-road vehicle, usually articulated, with six or eight wheels and balloon tyres.

17. The main types of vehicles included in this inquiry are trail bikes, mini-bikes, scramble bikes, four-wheel drive vehicles, two-wheel drive vehicles with a limited slip

differential such as rally cars, over-snow vehicles and dune buggies. Descriptions of these vehicles and the type of damage they can cause follows:

Trail bikes are vehicles with an engine capacity usually ranging from 100 cc to 400 cc, suited to use on or off road and capable of travelling over extremely rough and steep terrain. Some of these bikes can be registered for road use, other cannot. These vehicles can destroy vegetation and cause soil erosion, and their noise can disturb wildlife and annoy other recreationists.

Mini-bikes are a scaled down version of a motor cycle equipped only with basic mechanical safety equipment, with an engine capacity not exceeding 180 cc and used mainly by persons in the eight to fourteen age group. They can cause the same kind of environmental damage as trail bikes. As mini-bike users are normally unlicensed and their vehicles unregistered, they often have practical problems of getting their machines to areas where they can be used. Consequently they frequently use these machines in urban areas where their noise is often a source of great irritation and even distress to nearby residents.

Scramble or motorcross bikes are high powered racing bikes normally ineligible for road registration because of design and construction. They have large wheels, very 'knobbly' tyres for increased traction and high ground clearance to enable them to be ridden at high speed over a rough course. These bikes are normally used in competition events on enclosed tracks and can be very noisy.

Four-wheel drive vehicles (4WD) are normally road registered, have a high ground clearance, large wheels and both two and four-wheel drive mechanisms and can be driven over steep and rough ground. These vehicles can damage tracks, particularly when used in wet conditions, resulting in erosion. Many 4WDs have a bar structure fixed to the front which enables them to knock down small trees. When used off road these vehicles can destroy vegetation and create tracks which will result in further erosion.



Two-wheel drive vehicles with a limited slip differential, including some rally cars, have the capability to be driven over very rough ground. When used off road they can have an impact similar to that of 4WD vehicles.

Over-snow vehicles are usually driven on snow by means of a 'caterpillar' track, steered by two short skis in front and powered by a motor-cycle engine. If driven on thin snow cover they can destroy the vegetation underneath. By compacting snow they can create a hazard for other recreationists, mainly skiers. These vehicles are very noisy and can disturb wildlife and in some cases cause it to leave its habitat. In comparison with other types of ORVs there are very few over-snow vehicles in use in Australia, largely due to the short snow season and the geographical separation of snow-covered areas.

Dune buggies are specialised four wheeled vehicles driven through the rear wheels often with large balloon tyres designed for maximum traction in soft dirt and sand. If used on vegetated dunes they can destroy vegetation and cause the dune system to become unstable. Their noise and presence can be responsible for disturbing wildlife.

The Committee again emphasises that any vehicle can travel off road and has the potential to cause the sort of damage discussed in this report.

18. The Committee took some evidence on other ORVs such as all terrain vehicles (ATVs) and hovercraft and concluded that their use in Australia is very limited at this time. However overseas experience has indicated that ATVs and hovercraft are a serious potential threat to the environment. The Committee therefore believes that an environmental impact assessment should be made before new types of ORVs are imported into Australia or those

manufactured in Australia are registered for use on public land (see paragraphs 133, 157 and 160).

#### Environment

19. The sub-committee decided not only to look at the impact of vehicles used off road on the physical environment, but also their impacts on the social environment in terms of noise pollution, littering and vandalism.

EXTENT OF OFF-ROAD VEHICLE USENumbers of Off-Road Vehicles

20. The sub-committee was unable to obtain reliable information on how many vehicles are used off road around Australia for several reasons. Many conventional vehicles can be, and often are, driven off road. It is difficult to determine how frequently ORVs which are road registered, such as 4WDs and a large proportion of trail bikes, are used off road. One witness found that 20 per cent of non-club 4WD owners he surveyed in Sydney did not intend using their vehicles off sealed roads.<sup>1</sup> Vehicles with an off-road capability are not distinguished from conventional vehicles in motor registry records. Therefore the number of road registered vehicles which are designed for on and off-road use cannot be determined. Furthermore there is no reliable way to calculate the number of off-road vehicles which are not road registered.

21. Witnesses from LNC Industries Limited, a distributor of 4WD vehicles and trail and mini-bikes, told the sub-committee that their company estimated that approximately 24,000 4WD vehicles are in use in Australia for recreational and leisure purposes. The company also estimated that a further 2,000 other four wheeled vehicles, such as dune buggies, were used off road for recreational purposes. The same witnesses also estimated from their delivery figures and knowledge of the market that approximately 10,000 mini-bikes

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<sup>1</sup> Transcript p1980

and 80,000 trail bikes were in use in Australia. Of these they estimated 9,000 mini-bikes and 40,000 trail bikes were used mainly for recreational purposes.<sup>2</sup>

22. Most witnesses agreed that off-road vehicle club membership figures are no real guide to off-road vehicle use and they estimated that club members represent only about 10 per cent of users. Witnesses representing the South Australian Recreational Vehicles Co-ordinating Council told the sub-committee that the Council represented 1635 ORV users. Another witness suggested that 2,000 trail bike riders were associated with clubs around Australia.<sup>3</sup> These figures however do not provide any basis for estimates of the number of ORVs in use around Australia.

#### Expected Growth of Off-Road Vehicle Use

23. The widespread recreational use of off-road vehicles has been relatively recent. Most witnesses believed its most significant development in Australia has been over the last five to ten years.

24. The four-wheel drive boom started in the late 1960's when people started buying these vehicles for recreation rather than as work vehicles, as had previously been the case. Four wheel drive vehicles were increasingly purchased for trips through the outback. This sort of activity has been encouraged by "see Australia first" publicity. Sales of motor bikes of all kinds also increased in the late 1960's and early 1970's due partly to increasing economic affluence.

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<sup>2</sup>Transcript p1629-32

<sup>3</sup>Transcript p1977

Japanese built machines were reasonably priced and found a ready market in Australia.

25. The Committee received evidence that while ORV use is still increasing it is now increasing at a slower rate than in the early 1970's. Most witnesses were not prepared to predict whether this increase would continue or whether use was likely to decline in the future. The Victorian Forests Commission for example believes that legislative controls have reduced the number of trail bikes in use off road in forest areas.

26. LNC Industries Limited provided the Committee with its sales figures for registered motor vehicles for the period 1974 to 1976. These were as follows:

<u>1974</u>	<u>1975</u>	<u>1976</u> (projected)
80,538	62,465	58,000

These figures represent a decline in sales of approximately 30 per cent over a two year period.<sup>4</sup>

27. Distributors believe that the downward trend in sales of trail and mini-bikes is due partly to the economic situation and partly to legislation already in effect which controls the use of trail and mini-bikes off road and therefore dampens enthusiasm for their use. This downward trend is also apparent in other countries which have had good sales over a period of years.<sup>5</sup>

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<sup>4</sup>Transcript p1664

<sup>5</sup>Transcript p1637-8

28. The Off-Road Vehicle Symposium held in Canberra early in 1976 concluded that the trends in off-road vehicle growth were as follows:

4WD - the great increase in sales growth in the last five years appears likely to continue particularly in more remote areas.

Trail bikes - sales increased markedly from 1971 and appeared to reach a peak in 1973 with a rapid decline in 1974 and 1975. There is no indication as to when this decline in sales will level off.

Mini-bikes - sales appear to be static at present.

Snowmobiles - sales are limited due to short snow season in Australia and strict controls already in effect in some alpine areas.

Dune buggies - the number of these is not great and it is felt that the demand will remain fairly low although some demand may be generated by the promotion of competitions between clubs.<sup>6</sup>

29. The factors which are likely to influence the future growth of off-road vehicle use in Australia include the type of legislation being introduced in most of the states and the general economic climate. The price of petrol and the necessity for and cost of registration and third party insurance may also be long term factors.

30. The Committee concludes that the use of 4WD vehicles, trail and mini-bikes and dune buggies are established recreational pursuits in Australia. The Committee also concludes that despite the factors mentioned above, the use of these vehicles is likely to grow in popularity in the future, although at a slower rate than previously.

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<sup>6</sup> Transcript p186-188

NATURE OF ENVIRONMENTAL DAMAGE

31. The sub-committee received considerable evidence of the wide range of adverse effects off-road vehicles can have on the natural environment. These included disturbance of wildlife resulting in some cases in forced change of habitat, loss of vegetation resulting in soil erosion, siltation of streams, damage to Aboriginal relics and traditional sites, air pollution and destruction of wilderness qualities.

32. Evidence suggested that the noise from ORVs was responsible for disturbing residents in urban areas and the noise and presence of ORVs created conflicts with those pursuing other forms of recreation. Many witnesses who pursued recreations such as picnicking, fishing and bush walking maintained that vehicle oriented ORV users were destroying their pleasure. The Committee received many letters giving examples of this clash of recreational activity. There can be no question that to many Australians this conflict is the basis of the "ORV problem". Witnesses also claimed that a section of ORV users were responsible for littering and acts of vandalism.

33. In the following discussion of the nature of the impact of ORVs, not all the types of ORVs listed in paragraph 17 are suggested by the Committee as being responsible for all kinds of damage. It should be stressed that use of an ORV is not necessarily damaging to the environment. Damage is

caused by a combination of the way and the particular area in which the vehicle is used. The Committee has attempted with this qualification to identify the kinds of ORVs which most commonly cause damage in the categories of environments discussed.

#### Impact on the Physical Environment

##### Coastal areas

34. Considerable damage is caused to vegetated sand dunes which are repeatedly driven over by ORVs. The first stage of erosion is the loss of vegetation which stabilises the dune. A submission from the Queensland Minister for Tourism and Marine Services described the erosion process:

"With loss of vegetation, sand can be transported landward by wind action, resulting in a 'sand blow' where the sand comprising the dune has blown landward into the swale or low area behind the dune. The sand blow is in effect, a gap in the coastal protection afforded by the sand dune which permits a localised increase in erosion but more importantly permits higher storm waves to overtop the dunes and cause further deterioration".<sup>1</sup>

Partly vegetated dunes which are frequently used by ORVs would naturally revegetate if left undisturbed. Continued or intensive ORV use is likely to prevent revegetation and result in extending the area of unstable dunes.

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<sup>1</sup> Transcript p1857

35. The character of vegetation on dunes can be altered by persistent ORV use. Garretty found that in the dune area of Sunpatch and Broulee in New South Wales some species of flora had disappeared from areas where trail bikes were used. Monitoring of particular areas revealed that twenty-one species were found in an undamaged section and only ten of these species were found in a section damaged by ORV use and these with reduced frequency. Once vegetation is removed from a dune area by ORV activity, nearby vegetation can be undercut or smothered by moving sand.<sup>2</sup> The sub-committee was told by South Australian Government witnesses that dune erosion was particularly critical in the Coorong area.

36. Disturbance of wildlife habitat is being caused in the Coorong by the destruction by ORVs of freshwater soaks and swamps, which wildlife in the area depend upon for drinking water.

37. Damage has been caused to a number of Aboriginal sites located in dune areas where ORV use is common. These sites are particularly vulnerable to damage by ORVs because people driving over them are frequently unaware of their existence. This is a particular problem in the Coorong area and coastal areas south of Adelaide. Some Aboriginal sites inland have also been damaged by ORVs when their natural protection of isolation has been destroyed by the ability of ORVs to reach areas previously inaccessible. A track made

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<sup>2</sup> J. Garretty, "Some Implications and Applications of Findings from Research into Trail bike Activity on the N.S.W. South Coast", (Paper presented at the National Symposium on Off-Road Vehicles in Australia, Canberra, 1976) p 14

by an officer investigating an Aboriginal site may well lead the way for recreationists to discover and damage the site.

38. The main types of ORVs causing damage in coastal areas are trail bikes and dune buggies but 4WD vehicles are also sometimes responsible.

#### Alpine and forest areas

39. Mountain areas are particularly vulnerable to damage from ORVs for a number of reasons. Vegetation growing in alpine areas is fragile and takes a long time to regenerate once destroyed because of the limited growth period in that climate. Evidence suggested that one vehicle travelling over a thin layer of snow could destroy the flora beneath the snow so that when the thaw came a path would be left where the vehicle had passed. This path might encourage other vehicles to follow the same route thus preventing regeneration and accelerating soil erosion.

40. Soil compaction caused by ORVs can prevent seed germination and plant regeneration resulting in loss or reduction of vegetative cover. Once vegetation is removed the water absorption rate decreases and surface runoff increases.<sup>3</sup> The reliability of long term sub-surface flow is also impaired and flash flooding may occur. A more obvious result on sloping surfaces is gully erosion where topsoil is swept away and repeated rainfalls result in the formation of channels or gullies down the mountainside. This can lead to silting of streams and lakes and erosion of their banks. Any change in the natural surface drainage pattern can seriously affect

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<sup>3</sup>Transcript p442

water catchment areas and lead to deterioration of the quality of the water supply.

41. The sub-committee inspected an area in the Gembrook State Forest in Victoria and was shown examples of severe erosion caused by trail and mini-bike activity. The sub-committee saw a small dam used for fire-fighting purposes which had been silted up by soil eroded from surrounding areas in this way.

42. Over-use of forest roads and fire trails, particularly in wet weather, can cause deep wheel ruts in roads which may necessitate long term closure. Ruts can become channels for water run-off and degenerate into gullies. Experiments have shown that compaction of soil on well-used forest roads has slowed down their revegetation once they are no longer used.<sup>4</sup>

43. Once the indigenous vegetation has been removed from an area it is then susceptible to invasion by exotic flora, thus changing the natural character of an area. The sub-committee received evidence that the spread of boneseed in Victoria is causing concern in National Parks.<sup>5</sup>

44. Several witnesses suggested that the root fungus, phytophthora cinnamoni, is spread by the use of ORVs. The Western Australian Forest Department has closed large areas of forest to vehicular traffic to prevent the spread of this fungus.<sup>6</sup> Other evidence suggested that although in the

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<sup>4</sup>Transcript p106-7

<sup>5</sup>Transcript p916

<sup>6</sup>Transcript p1096

eastern states root fungus was very widespread, its transmission on the wheels of vehicles is only minor compared with its transport on the feet of animals and by water.<sup>7</sup>

45. The sub-committee was told that the noise and presence of ORVs can interfere with wildlife survival through disturbance and dislocation of animals from their habitat. Evidence was received that ORVs had caused the disappearance of wildlife from scores of acres of bushland near Sydney.<sup>8</sup> An American study has shown that the sound of snowmobiles can cause elk to move away from their normal feeding ground to areas where food is scarce and cause them to remain there for days.<sup>9</sup>

46. Compaction of snow by snowmobiles can decrease the ground temperature so much that small animals which use this area as a winter refuge are driven out.

47. The types of ORVs causing most damage in alpine and forest areas are trail bikes, 4WDs and in particular areas, over-snow vehicles.

#### Arid areas

48. The Committee accepted the definition of arid areas as "those areas of the continent where rainfall on a given piece of land is inadequate for an economic crop production or pasture improvement".<sup>10</sup> By this definition arid areas comprise 74 per cent of Australia. By reason of the very fragile nature of the indigenous vegetation soil erosion is

<sup>7</sup> Transcript p149-150

<sup>8</sup> Transcript p1333

<sup>9</sup> Transcript p1660

<sup>10</sup> R. Perry, 'Cattle, Sheep and the Arid Heart', ECOS No 8 (May 1976), p3

particularly critical in these areas. The sub-committee inspected areas around Alice Springs where intensive activity by trail and scramble bikes had caused gullies up to four feet deep. A gully can be formed starting with the removal of vegetation and formation of a track by an ORV. Rain will then be channelled along the track further eroding top soil until a gully is formed.

49. A change in surface water flow caused in this way can lead to the death of mature trees such as bloodwoods and mulga.<sup>11</sup> Once natural vegetation has been removed it is almost impossible to artificially revegetate an arid area. The resultant dust can inhibit plant growth in surrounding areas as well as causing nuisance to humans.

50. Off-road vehicles can be responsible for damaging native flora and introducing noxious and exotic species which then compete with the native flora. One witness suggested that arid areas are the "most fragile from the flora point of view and warrant the greatest rather than the least protection from off-road vehicles".<sup>12</sup>

51. Off-road vehicles can enter terrain which is too rough for conventional vehicles. This makes wildlife in these areas more accessible to shooters. Many species of mammals and reptiles in arid areas live in burrows underground or feed and rest on or near the ground. These species

<sup>11</sup> D.W. Chinner, 'Off-road vehicles in arid Australia', (Paper presented to the National Symposium on Off-Road Vehicles in Australia, Canberra, 1976) p2

<sup>12</sup> Transcript p1218

are vulnerable to habitat damage and disturbance caused by off-road vehicles.<sup>13</sup>

52. Aboriginal sites in these areas have become vulnerable to damage from visitors as ORVs have made them more easily accessible (see paragraph 37).

53. Motor bikes of all kinds and 4WD vehicles are the main types of ORVs causing damage in arid areas.

#### Urban areas

54. Evidence suggested that considerable physical damage was being caused in reserves and green areas in cities. The Bankstown Municipal Council in Sydney showed the Committee an aerial photograph of a reserve area in which the unsightly scars caused by ORV activity are quite clear. Once vegetation has been removed the erosion process described in paragraph 48 may set in.

55. The main types of ORVs which are in use in urban areas are trail and mini-bikes.

#### Impact on the social environment

##### Noise

56. The most persistent criticism of ORVs put to the sub-committee is that they are too noisy. This criticism is particularly levelled against motor bikes but also against over-snow vehicles. In urban areas the complaints mainly came from residents of houses adjoining areas where bikes are used. In open areas the complaints came from other recreationists who find their enjoyment spoilt by the presence of excessively noisy ORVs.

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<sup>13</sup> Chinner p3

57. The Committee received evidence that people feel very strongly about excessive noise and are frustrated when they are unable to do anything to reduce or stop it. One witness told the sub-committee that in twenty years experience in local government he had not encountered a more emotional issue. The sub-committee was told of quite drastic attempts by some people to prevent the use of trail and mini bikes in urban or near-urban areas. Such attempts which might result in serious injury to bike riders are an indication of the feelings of frustration and distress the noise of ORVs can cause.

58. In open areas where there is little background noise, trail bikes can be heard for great distances and other recreationists may be disturbed by the noise without ever seeing the vehicle. The sub-committee was told that a trail bike operating under normal conditions in open country could be heard up to two kilometres away and ten trail bikes could be heard for a distance of up to four kilometres.<sup>14</sup>

59. Most criticism of noisy ORVs refers to trail and mini-bikes and occasionally 4WD vehicles. Over-snow vehicles are also criticised as being excessively noisy, though their impact is only over restricted areas.

#### The wilderness experience

60. The sub-committee took evidence from people who expressed a wish from time to time to "get away from it all". It is obviously a very individual experience and some people need to be removed from any contact with other human presence to achieve it. Many non-vehicular recreationists such as

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<sup>14</sup> Transcript p1331



bush walkers and cross-country skiers complain that the presence of ORVs destroys this experience. For others the litter and trail ruts which indicate that people have been there before are enough to destroy their sense of isolation and wilderness. Many recreationists find ORVs offensive because their mobility gives users the potential to damage areas which previously few people could enter. Witnesses acknowledged that a sense of wilderness was a very subjective feeling and that many ORV users were appreciative of wilderness values but in a different way. One witness described the conflict of interest between riders and walkers:

as soon as the bushwalkers see somebody point out the obvious fact that they have not really got to be going in for this hard work of walking, they are offended.....If trail bikes.....caused no damage they would still be hated by bushwalkers; it is a sort of spiritual thing more than an environmental one.<sup>15</sup>

#### Litter

61. Unfortunately much of the Australian countryside is marred by litter. Most ORV club members who gave evidence claimed to have a responsible attitude on the litter problem. Many clubs have rules requiring members to carry all their litter out of the bush. A number of 4WD clubs told the sub-committee that they had organised "clean ups" of popular recreation areas, and rally organisers said that they always cleaned up the area after an event. While the Committee has no reason to doubt that ORV clubs actively encourage their members not to litter the bush, there was no evidence that

non-club ORV users act in a similar way. Although the Committee did not consider that ORV users are any more likely to litter than the average Australian out for a drive in the country, it was clear that ORVs can carry litter into areas inaccessible to other vehicles. Trail bike and 4WD users are the main groups singled out for criticism on this score.

#### Other criticisms

62. Several witnesses alleged that ORV users had cut fences and gates in the pursuit of their recreation and cited specific instances. The Committee received evidence that in some cases ORVs have endangered other recreationists. One witness claimed that bikes using a beach area "reach speeds of up to 90 km/hr and this combined with wheel skids makes the.....area dangerous for people on the beach especially children".<sup>16</sup> Many young trail and mini-bike users are themselves injured in falls from their machines and there have been several recent fatalities. Other general criticisms of damage caused by ORV users include careless lighting of fires, harassment of other recreationists, theft and vandalism on private property and disturbance to livestock.<sup>17</sup> These kinds of allegations are usually made against 4WD users and trail and mini-bike users.

#### Conclusions

63. The Committee concludes that the indiscriminate use of off-road vehicles can cause serious damage to the physical environment. The Committee also concludes that users of off-road vehicles should be made aware of their vehicle's

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<sup>16</sup> Transcript p1762

<sup>17</sup> Transcript p24

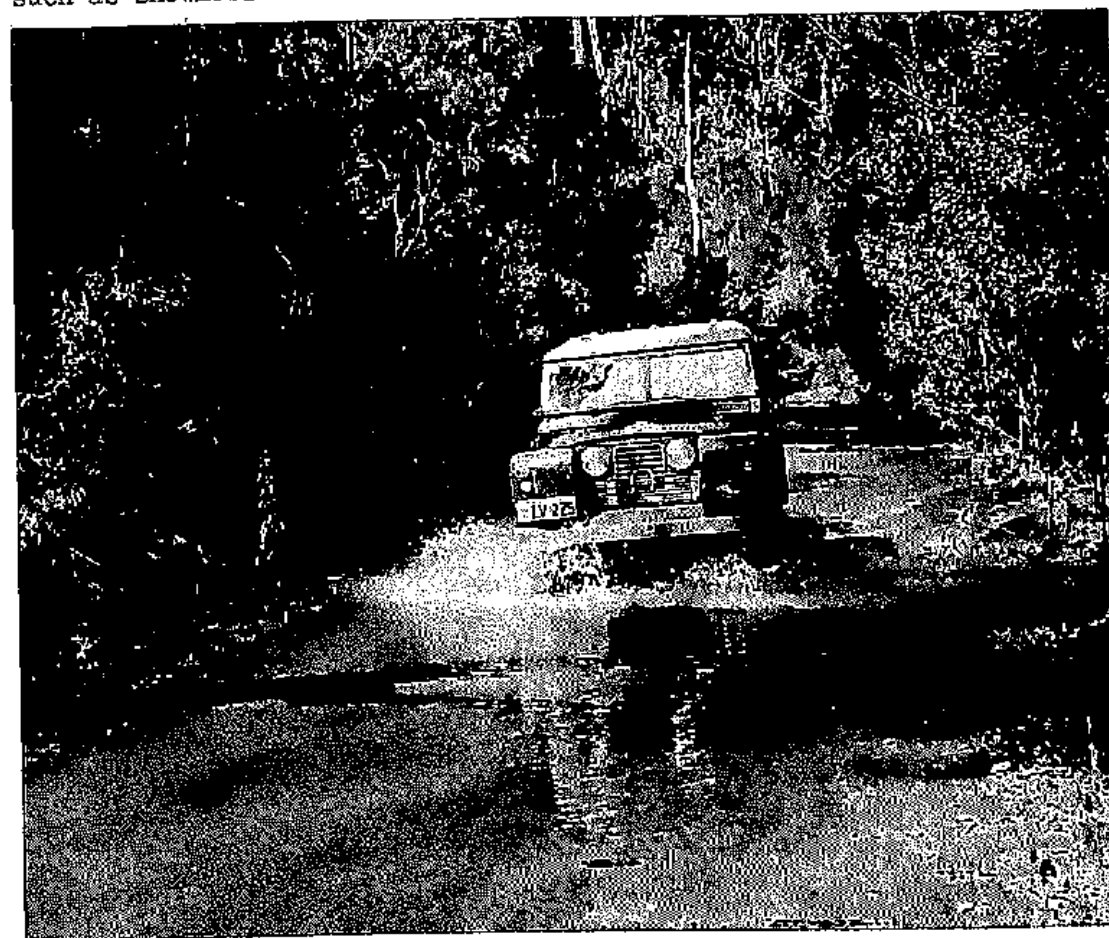
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<sup>15</sup> Transcript p879-880

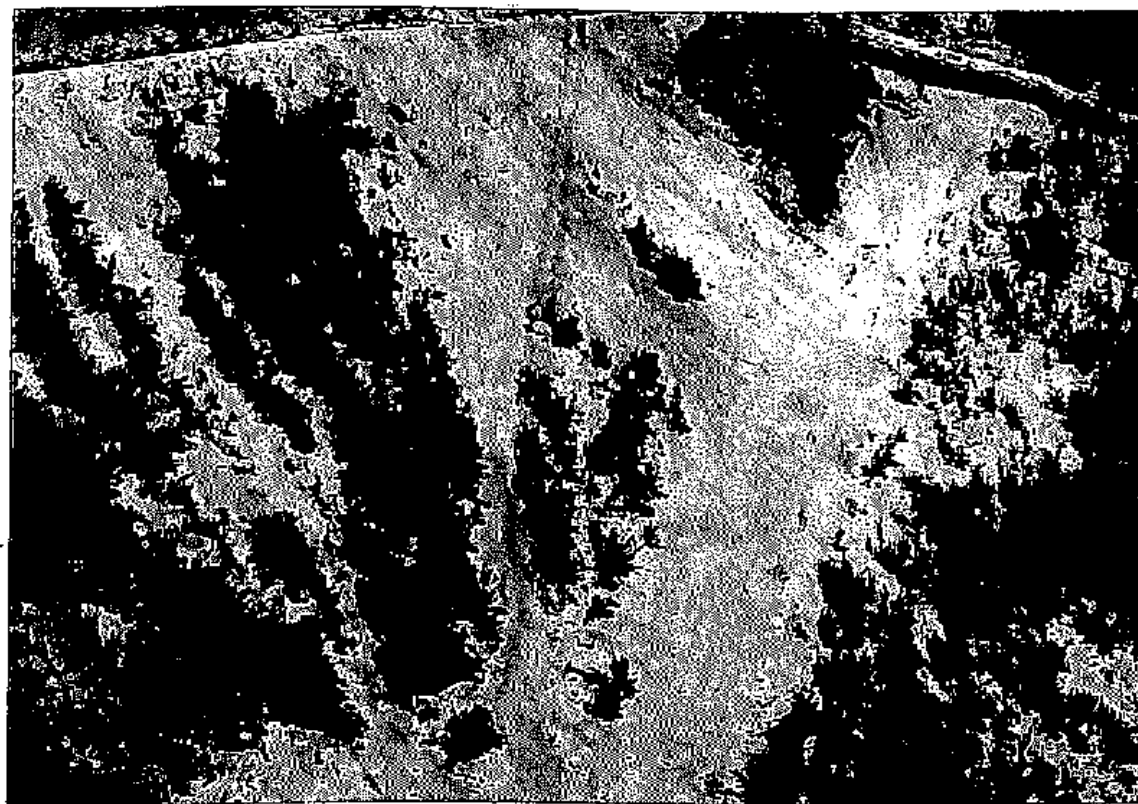
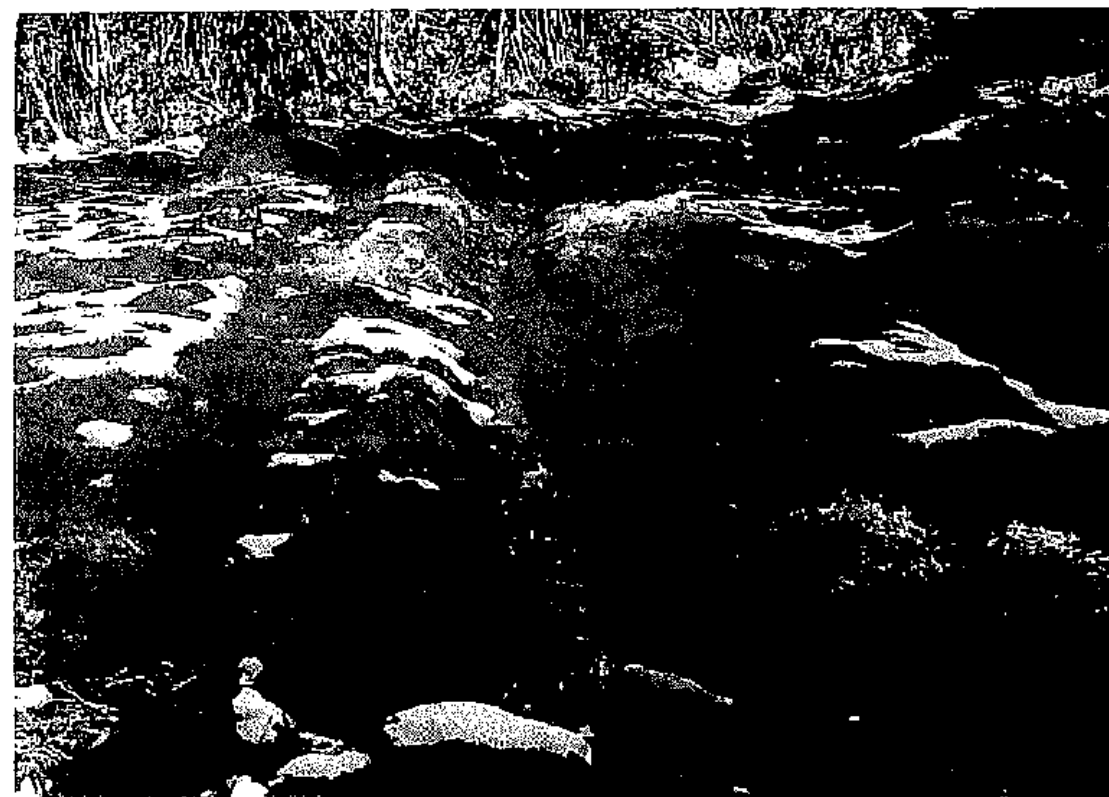
potential for causing this damage and that it is desirable for legislative controls to be placed on the use of off-road vehicles. The Committee believes that a combined approach of education and legislation is the most effective way of reducing the environmental damage caused by off-road vehicles. These two issues will be discussed in detail later in this report.

#### OFF-ROAD VEHICLES AND THEIR ENVIRONMENTAL IMPACT

Trail bikes and 4WD vehicles are two of the major off-road vehicles considered in this report, others include vehicles such as snowmobiles.



Examples of erosion caused by the use of off-road vehicles.





Conflict of recreations.



## CHAPTER 5

### USER CHARACTERISTICS

64. It was suggested to the sub-committee that recreational users of off-road vehicles could be divided into two categories - those who were vehicle oriented and those who were activity or environment oriented. The former are those whose interest is centered on the vehicle, its performance and their own driving or riding ability. For this group the environment is simply the area where this activity takes place. Those ORV users who are activity or environment oriented use their vehicles as a means of gaining access to areas in which they can then enjoy their own recreation which might be fishing, surfing, bushwalking, camping, photography, bird watching, etc. Taking pleasure in the environment is a part of the latter group's recreation. These two categories are not mutually exclusive and many ORV users would fit into both on different occasions.

65. One witness who surveyed ORV users in all states found that 76 per cent of 4WD owners who were club members gave activity or environment oriented reasons as their main motivation for owning a 4WD vehicle. Only 2 per cent of 4WD owners who were club members indicated that their primary interest was vehicle oriented. Of the 4WD owners canvassed who were not club members, 62 per cent gave reasons which were primarily activity or environment oriented, and 12 per cent gave reasons which were primarily vehicle oriented. Most dune buggy owners surveyed had vehicle oriented interests. Of the trail bike riders surveyed 60 per cent indicated their



interest was mainly vehicle oriented and 15 per cent indicated their main interests were activity or environment oriented.<sup>1</sup>

66. The Committee concludes that the users of dune buggies, scramble, trail and mini-bikes are mainly vehicle oriented and that the users of 4WD vehicles are mainly activity or environment oriented. It was also clear that a large number of users of trail bikes and 4WDs fitted into both categories. Over-snow vehicles are not considered in this section as they are mainly used for non-recreational purposes in Australia. (see paragraph 123)

67. From the evidence received by the Committee a number of characteristics frequently associated with ORV users emerged. In drawing up the following profiles of ORV users the Committee took into consideration the views of both user and non-user groups. User groups see trail bike riders as people who enjoy the environment as well as the driving challenge, and who prefer to ride alone or in small groups of two or three. Non-user groups tend to see trail bike riders as responsible for damaging the environment and causing excessive noise, and as vandals who are responsible for destroying the pleasure that non-users experience in the country.

68. User groups see 4WD drivers as environmentally conscious, family oriented, community minded people who like to "get away from it all". Non-user groups see 4WD users as potential bush-bashers and litterers but more environmentally aware and less socially offensive than trail bike riders.

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<sup>1</sup> Transcript p1979-1981

69. The Committee did not take evidence from mini-bike users, but officials of mini-bike clubs described mini-bike riding as a family activity in the countryside or a competitive one performed in specific areas under supervision. Mini-bike riders are seen by some people as youths who delight in noise, create a nuisance in urban areas, damage vegetation and trees and are careless of personal safety.

70. Dune buggy riders are seen by user groups as being family groups, interested in building their own vehicles, safety conscious and participating in group activities. While the Committee received little substantial evidence on what non-users thought of dune buggy users, they do not appear to arouse antipathy among non-users in the same way as trail bike riders.

71. The Committee concludes that ORV users are not a homogenous group and their type of recreation differs widely. Consequently land management policy which will effectively cope with the requirements of ORV users and protect the environment must fulfil a number of different needs. Trail and mini-bike riders who want to test themselves and their machines require a different land management approach from 4WD owners who basically wish to drive in the bush and reach a relatively inaccessible spot to pursue some other recreation.

## CHAPTER 6

### NON-RECREATIONAL USE

72. In addition to their recreational use, off-road vehicles are extensively used in primary production, the mining and construction industries, for survey work, land management and rescue operations, and by the Army.

73. Provision is made in ORV legislation in Queensland and Victoria for exemptions for non-recreational use of ORVs. The Victorian Recreation Vehicles Act 1973 exempts vehicles used for primary production, construction or maintenance from the provisions of the Act. The Queensland Motor Vehicles Control Act 1975 allows vehicles to be exempted from the provisions of the legislation by Order in Council. In Western Australia the Public Areas (Use of Vehicles) Bill proposes to exempt vehicles used in primary production, mineral exploration, construction, maintenance and fire control.

#### Aboriginal communities

74. The sub-committee was told that non-recreational use of ORVs, in particular 4WD vehicles, was common in outback areas. Evidence was received that 4WD vehicles were used widely by Aborigines living on the 244,000 square kilometres of Aboriginal reserves in the Northern Territory. Some of these areas have serious erosion problems and it is likely that these could be exacerbated by intensive use of ORVs.

### Exploration and survey

75. One witness in the Northern Territory alleged that more damage has been done to Australia's outback by companies engaged in mineral exploration than all private off-road vehicle use to date.<sup>1</sup> Other witnesses criticised the fact that tracks have been left by vehicles used by seismic survey teams. A submission from the Department of National Resources states that in some areas traverse lines created by seismic survey teams may still be visible twenty years later.<sup>2</sup> The Committee believes that those engaged in survey, research, exploration, environmental, engineering or scientific work should be made aware of the potential of their vehicles for causing environmental damage, and should take positive steps to minimise damage, particularly in arid areas. The Committee considers that when tracks have been formed for exploration or survey work, the affected areas should be rehabilitated, where this is practicable, once the work has been completed and the tracks no longer required. The Committee recommends that this rehabilitation work should be undertaken by the company, government department or person responsible for creating the tracks.

### Primary production

76. Off-road vehicles are used quite extensively by primary producers all over Australia. The Committee believes that while many of these people are aware of the impact of these vehicles there is a need for continuing programs of education to assist farmers to prevent erosion of their land.

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<sup>1</sup> Transcript p1220

<sup>2</sup> Submission from the Department of National Resources - dated 18 November 1976. Exhibit No 51

### Land management

77. Land managers consider vehicles with an off-road capability to be essential management tools. These are necessary for many of the important functions of land management in national parks and forests, such as control of exotic plants, restoration of eroded land, fire control, track clearance, protection of fauna and the maintenance of visitor facilities. Land managers also need to use ORVs to control recreational use of ORVs which is damaging the environment. Some witnesses questioned the extent of the use of ORVs by land managers and suggested that other methods of access such as horses or helicopters or even walking would have less environmental impact. One problem associated with management use of ORVs is that roads formed for management purposes are used and sometimes damaged by recreational ORV users. The Committee concludes that while most land managers are conscious of the effects of their ORVs they should be aware of the dangers of their excessive use.

### Rescue

78. Rescue operations in mountainous and rugged country frequently involve the use of private and government ORVs. In snow covered areas these are usually snowmobiles and in other areas usually 4WD vehicles. The Committee accepts that ORVs are frequently a necessary part of rescue operations.

### Defence

79. Attention was drawn to the fact that the Army conducts training exercises which involve the use of trucks and tracked vehicles off road. These exercises are carried

out both on land controlled by the Army and on privately owned land which is proclaimed for the period of the exercise. Witnesses from the Department of Defence told the sub-committee that the direct environmental effects of armoured personnel carriers in Queensland and Victoria were being investigated. Since 1970 the Commonwealth Scientific and Industrial Research Organisation (CSIRO) has been carrying out research on the conservation and regeneration of vegetation in Army areas and advising the Army on conservation techniques and management principles. Detailed studies and projects are being carried out in Shoalwater Bay, Tully and High Range in Queensland. The sub-committee was informed that the Army has a policy of repairing any damage caused by Army vehicles during specific training exercises in proclaimed areas.

80. The Committee concludes that the Army is aware that its vehicles cause environmental damage in Army controlled areas and on private land proclaimed for Army use, and takes action to repair this damage. The Committee recommends that the Department of Defence in association with the Commonwealth Scientific and Industrial Research Organisation continue its program of regenerating areas damaged by Army activities. The Committee recommends that the Department of Defence take account of the possible environmental impact of its vehicles when selecting areas for Army training purposes.

## CHAPTER 7

CURRENT CONTROLS

81. The use of ORVs for recreational purposes has increased considerably in the last ten years. The concurrent increase in damage caused to the environment, coupled with a growing community hostility, has prompted some state governments to examine the need for direct and specific controls on the use of ORVs. While the Committee has not attempted to compile an exhaustive list of legislation which relates to ORV use, this chapter discusses the major relevant legislation.

82. In 1973 Victoria introduced legislation regulating ORV use and Queensland has enacted legislation which came into effect on 1 January 1977. Western Australia has introduced a Bill for the same purpose but its passage through Parliament has been delayed while community views are sought and assessed. South Australia is planning to introduce legislation in the near future. New South Wales, Tasmania and the Commonwealth Territories have not indicated any plans to introduce specific legislation. Off-road vehicle activity in New South Wales, Tasmania and the mainland Territories is at present indirectly regulated by forestry, national parks and wildlife, soil conservation and motor vehicle legislation. A more detailed discussion of the situation in each state follows.

Victoria

83. The Recreation Vehicles Act 1973 and the Land Conservation (Vehicle Control) Act 1972 are two specific measures introduced to regulate ORV activity. Under the provisions of



the Land Conservation (Vehicle Control) Act movement of vehicles through public land is confined to roads formed for the passage of vehicles having four or more wheels. The only exceptions are vehicles operating in a "free access area", or vehicles coming within one of the exempt categories (see paragraph 73). As yet no free access areas have been proclaimed, although a sand dune area near Portland has been used by a dune buggy club on an experimental basis. This Act amended the Local Government Act 1958 to enable cities, towns and boroughs to make by-laws to prohibit or regulate the use of recreational vehicles on any land within their jurisdiction.

84. The Recreational Vehicles Act provides for the registration and insurance of recreation vehicles, requires the display of a number plate, requires the registered owners to be over 18 years, defines age limits for riders/drivers and power/speed limits for vehicles and specifies safety standards for vehicles. The Act also holds the owner responsible for certain offences under the Act involving riders/drivers under 15 years. The minimum age for riders/drivers of vehicles registered under this Act is 8 years. Only vehicles registered under the Motor Car Act 1958 can be legally used on public roads and then only by licensed drivers.

85. A number of existing Acts have been amended to regulate aspects of ORV activity. Amendments to the Forests Act 1958 provide for temporary and permanent closure of roads constructed and maintained by the Forests Commission. It should be noted that forest tracks are roads under Victorian

legislation and only vehicles with full road registration can legally use these roads. Use of private recreational vehicles of all types in National Parks is confined to roads open for public use. The National Parks Act 1975 closes management access roads and fire trails to the general public except in certain special instances.

86. The Environment Protection (Noise Control) Act 1975 extended the provisions of the Environment Protection Act 1970 to provide, inter alia, for controls over motor vehicle noise. The Noise Control Act also provides for regulations to be made setting noise emission standards, design requirements and restrictions on usage in relation to any equipment or vehicle.

#### Queensland

87. On 1 January 1977 the Motor Vehicles Control Act 1975 and Regulations under that Act came into force. The Queensland Act is primarily a result of Government concern over the safety aspects of ORV use. It was felt that a large number of unregistered, structurally unsound vehicles were being used to carry passengers, mainly tourists. The Government also believed there was a conflict between ORV users and other recreationists, and that in the interests of public safety, recreation vehicles should have to comply with certain safety standards. An interdepartmental committee examined the situation between 1971 and 1973 and the legislation was subsequently drafted.

88. The Motor Vehicles Control Act provides for a minimum age of 8 years for vehicle operators, and of 18 years for a vehicle owner, requires registration and insurance of the vehicle and display of a number plate, and sets safety standards. A recreation vehicle as defined in this Act may not be used on a road as defined in the Queensland legislation. Section 18 of the Act provides that the Governor-in-Council may declare any part of the State a "declared area" if he is satisfied that the use of motor vehicles within this area should be prohibited or regulated. Under Section 35 of the Act the control and regulation (including the prohibition) of motor vehicles in declared areas and public places in accordance with the Act and the execution of powers and functions under and for the purposes of the Act is a function of local government. These provisions enable an area which is being damaged by ORV use to be closed to vehicular use.

#### South Australia

89. South Australia at present has no specific legislation controlling the use of ORVs. The Crown Lands Act, the National Parks and Wildlife Act and the Local Government Act provide some control over ORV use. However Section 272 (2) of the Crown Lands Act states that a person traversing or temporarily camping on Crown lands is not trespassing on that land. This makes prosecution of ORV users under this Act very difficult.

90. In October 1975 the South Australian Department of Environment and Conservation released a report on off-road recreation vehicles which was aimed at stimulating public

comment on proposals for legislative control of ORVs. This report identified various aspects of the problem and discussed current methods of control and recommended measures which should be included in proposed recreation vehicle control legislation.

91. After considerable public discussion on this report the South Australian Government now intends introducing environmental legislation aimed at controlling ORV activity. The Government has indicated that the following points will be included in the legislation:

- . provision of special areas for off-road recreational vehicles, acquired and maintained by a Trust.
- . restrictions on the use of recreational vehicles outside these areas except on public roads (as defined by South Australian legislation) and when special permits are issued for recreational activities on Crown land.
- . registration and insurance of recreation vehicles used in areas set aside for their use. The registration fee to be nominal and the revenue used to administer the scheme and help acquire more areas.
- . an entry fee to be charged for the use of these areas.
- . written permission from the landowner or leaseholder to be required for ORV use on private land.
- . where noise from ORV use on private property is audible on adjoining properties, the permission of the local council to be required.
- . ministerial permission required for major racing events held on public land, local council permission required for such events held on private land.<sup>1</sup>

#### Western Australia

92. There is no legislation in Western Australia at this time aimed specifically at controlling ORV use. However the problems associated with ORV use in Western Australia have been recognised by the Government and in late 1975 the Public Areas (Use of Vehicles) Bill was introduced in the State Parliament. The Government is at present encouraging wide-spread public discussion of the proposed legislation.

93. This Bill provides for the registration of recreation vehicles, requires the registered owner to be over 18 years of age, requires the display of a number plate and provides that vehicular use can be prohibited in a specific area by notice published in the Government Gazette. The Bill also provides that private land can be declared public for the purposes of this legislation.

94. Public discussion on the Bill has raised a number of other issues which may be included in the final legislation. These include the setting of a minimum age for operators, a requirement for third party insurance and provision for land to be made available for ORV use.

#### New South Wales

95. Control of ORV use in New South Wales can be imposed under certain provisions of non-specific legislation such as the National Parks and Wildlife Act, the Local Government Act and the Motor Traffic Act.

96. The National Parks and Wildlife Service has adopted the following six-point policy to regulate vehicle use in national parks, nature reserves or historic sites:

- . all motor vehicles must be currently registered under appropriate motor traffic legislation.
- . vehicles may only be driven on formed or designated roads which are officially open for use.
- . over-snow vehicles licensed by the Director of National Parks and Wildlife may only be used in specific areas and only when snow cover is sufficient to prevent soil disturbance. The number of vehicles granted licences is limited and preference given to those used for commercial and management purposes.
- . vehicles used to transport recreationists such as fishermen, and campers to the site of their activity or vehicles participating in organised club outings may be granted permits to go off road but may also be required to lodge a bond to cover the cost of any damage caused.
- . fees may be charged for use of certain routes and users of roads must observe any conditions imposed.
- . the Service is progressively signposting routes indicating whether the road is open or closed and setting out conditions of use.

97. In areas other than national parks, local authorities have regulatory powers over ORVs used on beaches or public reserves. Many councils have adopted regulatory ordinances, particularly aimed at restricting vehicle use on beaches, but encounter considerable difficulty in enforcing them.

## Tasmania

98. Tasmania has no specific legislation to control ORVs, but a government interdepartmental committee has been investigating the situation. The Crown Lands Act 1976, Forestry Act 1920, National Parks and Wildlife Act 1970, Traffic Act 1925 and Environmental Protection Act 1974 all contain provisions which can be used to some degree to control ORV use.

99. The Crown Lands Act provides that no person shall, without lawful authority, drive or park any motor vehicle on any Crown land or assigned land where this is prohibited by means of a sign or otherwise. Under this Act vehicles are also prohibited on any beach or foreshore which is being used by people for bathing, playing or other recreational purposes. Amendments to the Forestry Act 1920 permit the framing of regulations for the control of people and "things" in forest reserves and State Forests. Regulations under the National Parks and Wildlife Act prohibit the use of any conveyance within a State reserve except on a road, without the permission of the managing authority.

100. Under the Traffic Act a public street legally and potentially includes all places that are not private property and therefore all vehicles used on other than private property should be registered and their drivers licensed. It would appear that this is not strictly enforced.

101. Tasmania's Environmental Protection Act 1974 provides for the restriction of ORV use due to excessive noise. This Act limits permissible noise levels and a proposed

regulation will provide for minimum distances for the operation of off-road vehicles in the vicinity of residences.

## Australian Capital Territory

102. Control and management of ORV activity in the Australian Capital Territory is exercised through the Department of the Capital Territory. There is no specific legislation designed to control ORV use, although provisions of ordinances designed for other purposes can be used.

103. The Enclosed Lands Protection Ordinance 1943-1966 allows some control in that any person who, without lawful excuse enters into the enclosed land of another without his consent, is guilty of an offence. Enclosed lands can be either publicly or privately owned, and can include areas bounded by natural features such as rivers, as well as conventional fencing. Public roads in such an area are exempt from the ordinance.

104. Other ordinances relevant to ORV management are the Public Parks Ordinance 1928-1966 and Commonwealth Lands Ordinance 1932-1972. These ordinances cannot be effectively used to control ORV use as they have limited application to ORVs and apply only to a few specific areas.

## Northern Territory

105. The Northern Territory situation is similar to that which exists in the Australian Capital Territory. There are no ordinances specifically directed at regulating ORV use, but the Department of the Northern Territory has some methods of indirect control. These occur through the administration

of ordinances such as the Soil Conservation and Control Ordinance 1969-1970, the Crown Lands Ordinance 1931-1976, the National Parks and Gardens Ordinance 1959-1976, the Wildlife Conservation and Control Ordinance 1962-1976 and the Mining Ordinance 1939-1972.

106. Under provisions of the Traffic Ordinance 1949-1973, authorities are able to prohibit vehicular access to, or use on, a prescribed beach, except for the purposes of launching a boat. A proposed amendment to the Soil Conservation and Control Ordinance has been put before the Northern Territory Legislative Assembly which would enable the declaration of erosion hazard areas.

#### Problems of Enforcement

107. Effective enforcement of any law requires a level of policing and penalty sufficient to deter any breach of it. Supervision of ORV activity is difficult, because users seldom congregate in large, controllable groups or in small, manageable areas. The mobility of ORVs enables individual users to penetrate relatively inaccessible areas where policing is difficult. Different types of vehicle and off-road activities requires different management and supervisory techniques.

108. Authorities responsible for enforcing ORV controls told the sub-committee that a major problem is inadequate staff. Users of ORVs can cover large areas of relatively inaccessible country, avoid concentrations of other users and easily vary the location of their activity. Most use occurs on weekends or on public holidays when the staff numbers of

enforcement authorities are generally reduced. Enforcement officers are frequently confronted by unregistered trail bikes whose operators are often unidentifiable beneath helmet and protective clothing. Consequently, if a rider is violating some regulation the officer is faced with the difficulty of having to physically apprehend him. Officers frequently have neither the vehicles nor the skill to chase an offender over rough country. In urban areas officers often find that by the time they respond to a complaint the ORV riders have moved on or have temporarily left the area only to reappear when the officer has departed.

109. Fences, gates and other similar measures can prevent ORV users entering an area, but evidence suggested that many users cut through these obstacles. This control technique can become very expensive when fences are frequently cut and land managers have to spend long periods of time re-fencing. Signs prohibiting ORV use in particular areas are usually only effective when backed up by frequent patrols by enforcement officers.

110. Another major problem of enforcement of ORV controls is ignorance of the law. The sub-committee was told that rangers in the Australian Capital Territory perform a role in educating ORV users by showing them, on the spot the kind of damage their vehicles can cause. While this form of control is very expensive it is apparently having some effect. Victorian witnesses told the sub-committee that there was a tendency for the police to prosecute ORV users under laws with which they were more familiar, such as the Motor Car Act even

when an offence had occurred under the provisions of the Land Conservation (Vehicle Control) Act<sup>2</sup>. However it is likely that this difficulty will be overcome in time as both public and police became more familiar with the operation of the ORV legislation.

111. Government authorities have sometimes been reluctant to prosecute offenders, particularly underage users, and this further undermines the effectiveness of legal controls. Some contraventions of regulations are of a minor nature against which prosecution would appear to be an extreme reaction. Western Australian government witnesses questioned whether fishermen using a 4WD to gain access to a beach should be prosecuted for so doing.

112. The attitude of users can be a problem in enforcing ORV legislation. Many users have little or no understanding of either the relevant legislation or the need for such controls. The sub-committee formed the view that a large section of the community regards public land as being available to them as a right. This attitude clearly flows through to a section of ORV users. Between the users of different types of ORVs differences of opinion occur as to the need for and the scope of existing and proposed legislation. Many of the minor submissions received by the Committee from trail bike groups and 4WD clubs claimed that another type of vehicle was responsible for most of the environmental damage. Members of some ORV clubs feared that the activities of a few "loners" might result in a curtailment of their organised activities.

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<sup>2</sup>Transcript p439

Many ORV users do not see themselves as being the cause or the object of restrictions. Fishermen seeking access to remote beaches or naturalists and ornithologists trying to penetrate deeply into the wilderness quite often agree with restrictions on dune buggies or on trail bikes but do not accept that such regulations should apply to them.

## CHAPTER 8

### NEED FOR FURTHER CONTROLS

113. The Committee considers that there is a need for controls on the use of ORVs in all states. These controls should take the form of legislation and the development of land management policy. The Committee believes there are a number of issues which must be considered in determining the most appropriate form of legislation which will protect and conserve the environment and at the same time permit ORV users to enjoy their recreation.

#### Zoning

114. Much of the present concern over the growth of ORV use results from the damage that can be caused to fragile ecosystems by irresponsible users. The Committee takes the view that land management planning should take account of the potential of ORVs for causing environmental damage. In particular, the Committee believes that vehicular use should be restricted in areas with high nature conservation or wilderness value, in fragile environments such as stabilizing and vegetated sand dunes, arid areas, alpine moors and wetlands, and in areas of historical, geological or archaeological significance. Land managers should be encouraged to minimise, or in some cases cease, their use of ORVs in these areas. Witnesses suggested that a permit system for access to these areas would be an effective way of protecting them from damage. The issue of such permits would be at the discretion of the land management authority.

115. The Committee supports the concept of a zoning system which would regulate vehicular and pedestrian access in the following way:

- Zone 1 - scientific area - no vehicular or pedestrian access except for research purposes by permit
- Zone 2 - pedestrian access only - no vehicular access
- Zone 3 - pedestrian access and vehicular access on roads by permit
- Zone 4 - Pedestrian access and unrestricted vehicular access on roads
- Zone 5 - vehicular access off roads (i.e. special ORV areas)

The Committee notes that the Tasmanian Lands Department proposes to introduce a system of zoning in its management plan for the Central Plateau Region.<sup>1</sup> While the Committee favours a zoning system it also supports the concept of multiple use of areas such as forests for both vehicular and non-vehicular recreation.

116. For reasons of human safety and comfort, the Committee believes measures should be implemented to restrict ORV use in urban and rural/urban fringe areas, to sites specifically set aside for their use. The Committee considers that the environment as a whole can best be protected by providing specific areas in which ORVs can be used and educating users to understand the reason for restrictions.

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<sup>1</sup> Management Plan for the Central Plateau - Lands Department, Tasmania, 1976. Exhibit No 53.

#### Areas for ORV use

117. People whose recreation centres on the vehicle require an area they can legally use without disturbing other people and without causing environmental damage. A major consideration in the planning of such areas is that the use of any particular site may be intensive on weekends and holidays and negligible on week days.

#### Dune buggies

118. The most appropriate site for dune buggy use is an area of unvegetated dunes on which the buggies will have a minimal environmental impact. The ideal site should be some distance from settled areas so that residents will not be disturbed by the noise of the buggies. The location should be one which is not attractive to non-motorised recreationists such as swimmers and fishermen, thus avoiding a conflict of recreations.

#### Mini-bikes and motorcross bikes

119. The most appropriate site for mini-bike riders is a relatively small area where they can develop their riding skills under adult supervision. Motorcross riders require a site where they can ride fast and take part in competitive events. Land provided for these two activities should be some distance from residential areas but accessible to under age riders and preferably in a location where there is a high background noise level, such as in the vicinity of industrial zones, quarries, freeways or airports. A high level of background noise will reduce the impact of the noise of the bikes. The site itself should be one which the community accepts will



be or has already been badly eroded. The sort of area suitable for this would be one which will be later used as a building site or one which has already been environmentally damaged by industrial use, such as a disused quarry or sand pit.

#### Trail bikes

120. Trail bike riders present a special problem in that they may be both vehicle and environment oriented. Thus the Committee sees a need to provide them with areas where they can satisfy both aspects of their recreation and at the same time do minimal damage to the environment. The sub-committee inspected two areas which attempt to cater for these two aspects of trail bike riding. The site at Mount Stromlo in the Australian Capital Territory is a Government-run experiment in an under-productive pine forest area. Damage to the environment caused by motor bike use in the area is being closely monitored and management of the area adjusted accordingly. The sub-committee was shown a section of the site which had been closed to use and in which a revegetation program was successfully taking place. The sub-committee also inspected Hungry Creek Motorcycle Park which is run as a commercial venture in New South Wales. The manager told the sub-committee that careful planning of trails will reduce the likelihood of erosion. Evidence suggested that the majority of riders will follow an existing trail rather than create a new one.<sup>2</sup> The Committee believes that managed sites such as these should be made available for trail bike riders. The Committee commends the development of commercially run sites

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<sup>2</sup> Transcript p1795

such as Hungry Creek. At the same time, the Committee feels that the managers of such ventures have a responsibility to practice good conservation measures including rotation of areas receiving heavy use and revegetation programs. An undertaking by proprietors to implement conservation programs should be a condition of approval by local authorities for the use of areas as ORV parks. The Committee therefore recommends that responsible authorities require proprietors of ORV parks to implement good conservation programs.

121. The Committee realises that some riders wish to cover longer distances and get away from other riders. Evidence suggested that pine forest areas do not normally suffer irreversible damage from trail bikes being used on forest roads and that under most circumstances forest managers do not object to trail bikes using them. The Committee therefore believes that trail bike riders should ride only on roads, and where necessary seek the approval of the land management authority to do so. Riders wishing to test their skill on challenging terrain off roads should do so only in areas specifically set aside for off road use.

#### Four-wheel drive vehicles

122. The Committee is convinced that at no time and under no circumstances should 4WD vehicles or any other type of vehicle go off the road in the sort of fragile areas described in paragraph 114 or in national parks or in any areas where the law prohibits use of vehicles off road. The Committee realises that users of these vehicles sometimes drive short distances off the road to reach a spot for camping, fishing,

or similar activities. It is believed that the effects of this practice can be as damaging to the environment as any other kind of off-road activity and should be discouraged. As with trail bike use, 4WD users wishing to test their driving skill on challenging terrain should do so only in areas set aside for ORV use.

#### Over-snow vehicles

123. Although little evidence has been taken on the use of over-snow vehicles in Australia, the Committee firmly supports the policy of the New South Wales National Parks and Wildlife Service that use of over-snow vehicles should be strictly limited and policed. The Committee considers that over-snow vehicles should only be used for management and rescue purposes or access to resort accommodation when there is no other alternative. Australia has a very limited snow resource and the environment of the alpine areas is particularly fragile. The Committee understands there is very little recreational use of over-snow vehicles at present and believes that this use should not be permitted to increase. The Committee does not support the recreational use of over-snow vehicles in Australia.

#### Who pays?

124. Some land management authorities are opposed to the allocation of land specifically for ORV use. They fear that if land is provided for ORVs, it will cater for the demand and the number of users will increase, giving rise to an even greater demand for land. An American environmentalist, Dr Diana Dunn has called this process "the Dismal Cycle"<sup>3</sup> (See Appendix 3).

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<sup>3</sup>Transcript p1267

125. It was put to the sub-committee that this "dismal cycle" could be avoided if ORV users contributed to the costs of acquiring and managing the land they use and restoring it for acceptable future use. A number of ways in which this could be accomplished were suggested:

- . fees for compulsory registration of ORVs.
- . raising import duty and sales tax on ORVs.
- . payment by ORV users of an entry or permit fee for use of land.
- . renting land to approved ORV groups and giving them responsibility for maintenance and management of the area. "

126. State and local governments should have the responsibility for allocating land for ORV use. The Committee supports the intention of the South Australian Government to set up a Trust to acquire and manage such areas. Factors such as durability, lack of conservation value, accessibility and natural noise barriers should be taken into consideration in the selection of areas (see paragraph 161). Such areas could then be leased to clubs, private entrepreneurs, ORV distributors or local councils to administer.

127. The Committee takes the view that by requiring ORV users to contribute to the cost of land for their recreation, the demand for land will not become excessive and the environmentally destructive consequences foreshadowed in the "dismal cycle" will be avoided.

### Registration

128. Large numbers of off-road vehicles, mainly trail bikes, mini-bikes and dune buggies are not registered for road use. Many of these vehicles cannot be registered for road use because they do not meet the required standard of construction. Witnesses told the sub-committee that many motor bikes are used on rough terrain where equipment such as lights, horns and traffic indicators would be easily lost or broken. The riders of these vehicles regard such equipment as superfluous as these bikes are only used off road in daylight conditions. Mini-bikes are normally operated by riders too young to hold a driving licence and consequently they cannot legally ride these vehicles on roads. Under these conditions road registration would be a pointless expense. Dune buggies have smooth tyres and are designed for use on sand not roads. Dune buggy users would see no purpose in having their vehicles road registered.

129. Lack of registration of off-road vehicles is responsible for a number of problems. One of the most common complaints of land managers and enforcement officers is that they cannot apprehend or identify the rider of an unregistered ORV who is riding in a prohibited area. Present regulations in most states do not require any enforcement of safety standards or noise limitations in ORVs. Vehicles which are not registered do not require third party insurance and yet evidence was received that ORV users are sometimes injured while using their vehicles and that fatalities have occurred.

130. The Committee considers that these problems can be overcome by using a form of compulsory registration which would enable vehicles to be registered as recreation vehicles for use only off roads. Registration of vehicles in this classification would require compliance with safety standards and maximum noise limitations (see paragraph 139), and the display of recreation vehicle (R.V.) registration plates. Third party insurance should be made a condition of R.V. registration as it is of normal road registration.

131. Victoria and Queensland have both enacted ORV control legislation which includes provision for safety and construction standards for recreation vehicle registration, and requires display of number plates, and third party insurance. The registration fee in both cases is a nominal one to cover the costs of registration plates and administration.

132. The Committee received many submissions supporting the concept of compulsory recreation vehicle registration. User groups felt that registration would improve safety standards in ORV activity, legitimise their recreation and make it more publicly acceptable.

133. The Committee feels that all trail and mini-bikes, scramble bikes and dune buggies used only off road should be registered as recreation vehicles. However the Committee is apprehensive that new forms of ORVs which may be even more damaging to the environment than those at present in use, may come on the market and be readily available. The Committee therefore believes that new types of ORVs either imported or

manufactured in Australia should not be allowed R.V. registration until an environmental impact assessment has been made (see also paragraphs 157 and 160).

#### Noise

134. Australian Design Rule 28 (ADR 28) specifies the noise level permitted under test conditions for all registered motor vehicles (Appendix 4). For motor bikes which are to be road registered the maximum levels are 82 dB(A) for motor bikes with an engine capacity of less than 125 ml, 84 dB(A) for those between 125 and 500 ml and 86 dB(A) for those with the engine capacity exceeding 500 ml. These regulations apply only to motor bikes which are road registered, and testing takes place only on new bikes and then only on a small sample of each model. Actual stock production models are not tested.

135. Therefore it cannot be assumed that registered trail bikes comply with the specifications of ADR 28 and it is very probable that unregistered motor bikes will be considerably noisier. One witness suggested that mini-bikes produce 95 dB(A) according to standard measurement procedures.

136. A number of witnesses told the sub-committee that for many trail and mini-bike riders the noise of their vehicle is part of the excitement of the recreation and that many motor bike riders associated noise with power. The sub-committee received convincing evidence that motor bikes can be made considerably quieter with very little, if any, loss of power and that removal of a muffler can in some cases decrease rather than increase power.

137. Evidence suggested that it is possible to reduce noise by up to 20 dB(A) at a very little expense<sup>4</sup>. American research indicated that bikes with an engine capacity of between 100 cc and 200 cc could be produced with noise levels of 79 dB(A) or less at an increase in manufacturing cost of US\$19 per machine<sup>5</sup>.

138. There are two main problems with noise controls. Motor bikes which are not road registered, including most mini-bikes, do not have to conform to any noise standard in most states. The exceptions are vehicles registered under the Victorian Recreation Vehicles Act which must not cause "undue noise"<sup>6</sup>, and vehicles registered under the Queensland Motor Vehicles Control Act which are required to be fitted with "an efficient exhaust silencing device"<sup>7</sup>. These are not specific or stringent regulations however. The second problem is motor bikes which are road registered are frequently modified to become noisier, or become noisier through use over a period of time.

139. The Committee is of the view that the noise made by trail and mini-bikes should be controlled whether the vehicles are road registered or not. The Committee believes that all road registered vehicles should comply with ADR 28 at all times. Furthermore the Committee recommends that further research be done by the Commonwealth Department of Transport

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<sup>4</sup>Paper on trail bike noise prepared by the Legislative Research Service of the Parliamentary Library dated 4 Nov 1976 (Exhibit No 52)

<sup>5</sup>Transcript p1353

<sup>6</sup>Recreation Vehicles Act 1973 of Victoria, Reg 33(c)

<sup>7</sup>Motor Vehicles Control Act 1975 of Queensland, Reg 12

with a view to decreasing the maximum noise limits imposed on motor bikes under ADR 28.

140. The Committee concludes that those states with ORV legislation should require that vehicles registered as recreation vehicles be subject to the provisions of ADR 28. The Committee also believes that those states which do not have ORV legislation should include this provision in any future ORV control legislation.

141. These measures will to some extent reduce the distress and anger felt by many people when in close proximity to motor bikes used off road. However the Committee feels that noise control legislation is also necessary to protect in particular residents in urban areas who are distressed by the noise of ORVs. The Committee therefore recommends that the Minister for Environment, Housing and Community Development draw the attention of other members of the Council of Nature Conservation Ministers to the Committee's conclusion on the need for legislation to control vehicle noise. The Committee understands that legislation relating to vehicle noise exists in some states and others are proposing to introduce such legislation in the near future. The Committee concludes that those states which do not already have legislation which controls vehicle noise should urgently consider introducing such legislation.

## CHAPTER 9

### EDUCATION

142. Legislative controls alone cannot prevent people abusing and damaging the environment. ORV users must first be shown the ways in which their recreation can cause damage. The nature and effect of the legislative controls must be fully explained and users should then be shown alternative ways of pursuing their recreation so that environmental damage does not occur. The Victorian Government has issued a question and answer type explanation of its ORV legislation (see Appendix 5). The Committee believes that this type of explanation is a valuable way of educating ORV users in the laws relating to their recreation.

143. The Committee therefore concludes that governments which have enacted legislation to control ORV use should issue simple explanations of their legislation to ORV users. These explanations could be disseminated through ORV clubs, distributors, police stations, motor registration authorities and schools.

#### The Media

144. A large number of Australian and overseas motoring magazines feature articles on off-road vehicles. Other non-specialised sections of the media also sometimes feature programs and articles about off-road vehicles. These are likely to influence the attitudes of both present and potential ORV users towards their recreation. It is therefore important that articles and programs about ORVs should project an

environmentally responsible attitude towards their use. The Committee draws the attention of the Australian Press Council to its views on this matter.

145. Several witnesses told the sub-committee that some advertisers of ORVs depict ORVs in a "bush bashing - go anywhere" situation. There is little doubt that a buyer who is attracted by such advertising will expect, as a right, to be able to use his vehicle in a similar way. Evidence suggested that pictures of ORVs in environmentally harmful situations were also used to advertise other unrelated products such as cigarettes and toiletries. The Committee concludes that manufacturers, distributors and advertisers have a responsibility to ensure that their advertising material does not depict off-road vehicles damaging the environment or in any other way encourage irresponsible use of ORVs. The Committee draws the attention of the Australian Association of National Advertisers to its conclusion on this matter.

#### ORV Clubs

146. The Committee took evidence from witnesses representing eighteen ORV clubs or user organisations and most of these witnesses stressed that members of their organisation were very much aware of the off-road vehicle's potential for damaging the environment.

147. Several ORV groups told the sub-committee that they have codes of ethics which their members are expected to observe. The Australian Motorcycle Trail Riders Association code of ethics was drawn up in consultation with the Victorian Forests

Commission and includes statements on compliance with the law, seeking official approval for use of forest roads and conserving native fauna and flora (Appendix 6). The Committee believes that the acceptance of such a code of ethics by ORV users will increase their environmental awareness. The Committee therefore recommends that the Department of Environment, Housing and Community Development in conjunction with ORV groups and land management authorities, draft a code of ethics for ORV use.

148. A number of witnesses suggested that ORV users who were club members or had been club members were more environmentally conscious than those who had never had club affiliations. Representatives from several ORV clubs told the sub-committee that they conduct education campaigns within their clubs to make members more environmentally aware. The Victorian Association of 4WD Clubs promotes a vehicle sticker -

D O N ' T   B U G G E R   T H E   B U S H  
BE ENVIRONMENTALLY CONSCIOUS

which is designed to heighten the awareness of the driver and of others who see it. The Victorian Landrover Club runs courses aimed at encouraging an understanding of the principles of the environment and of forest management. The Committee was impressed with the evidence of environmental awareness it received from groups such as these. It was clear that this awareness had been developed by some clubs in response and as a counter to public criticism of their activities. However the Committee also received evidence that groups such as these sometimes publish articles in their club magazines which could

interpreted as reflecting a less responsible approach to environmental matters.

149. Nevertheless the Committee concludes that in general, membership of an ORV club heightens awareness of environmental matters. This awareness will, to some extent, remain with ORV users even when they no longer belong to clubs.

#### Non Club Members

150. The Committee believes that attempts must be made to educate all ORV users in environmental matters and alert them to the potential they have for damaging the environment. Clubs are partly performing this function but the real problem lies in reaching and then educating ORV users who do not belong to clubs. Some of these "loners" are environmentally conscious but it is clear that many are not, and are neither aware nor concerned about the damage they cause. A campaign is needed to promote public awareness of environmental matters in general which would include making ORV users aware of the potential of their vehicles for damaging the environment. As there is clearly a role for the Commonwealth Government in this matter it is recommended that the Commonwealth, state and local governments sponsor a program to promote environmental awareness in ORV users and that this program be channelled through ORV clubs, distributors, the media, community groups and schools.

#### Public Forums

151. Experience has shown that informed discussion of the environmental effects of ORVs is of great value in encouraging

an exchange of views between users, land managers and other interested groups. A Symposium on Off Road Vehicles held at the Canberra College of Advanced Education in February 1976 attracted sixty-seven participants from a range of interest groups including ORV users, land managers, ORV distributors, conservationists and academics. The Committee understands that this Symposium and the subsequent publication of its proceedings has encouraged widespread discussion of environmental issues associated with ORVs.

152. The sub-committee was told during the inquiry that its own interest in this matter has heightened environmental awareness among a number of user groups. In South Australia, the Department of Environment's report on off-road vehicles stimulated considerable interest among ORV users. In Western Australia, government agencies organised a seminar on off-road vehicle use, attended by user groups and land managers. The Committee believes that these ways of providing a forum for discussion on off-road vehicles have been of value in generating knowledge and appreciation of associated environmental issues.

153. The National Symposium on Off Road Vehicles recommended that the Symposium be reconvened in two or three years to assess the situation. The Committee recommends that the Commonwealth Government encourage the organisation of a further national symposium on off-road vehicles.

ROLE OF COMMONWEALTH GOVERNMENT

154. While the Committee realises that the main responsibility for controlling the use of ORVs rests with state and local governments, it believes that the Commonwealth Government can and should play an active role in reducing the impact of these vehicles on the environment.

Legislation for the Territories

155. The Commonwealth Government is responsible for legislating for the Australian Capital Territory and the Northern Territory. Evidence taken in the two territories suggests that specific legislation is required to control the use of vehicles off road except on private land. The Committee examined the two different legislative approaches adopted by the Victorian and Queensland Governments. The Victorian approach briefly is to declare use of all vehicles off road illegal except in "free access" areas. The Queensland approach is to allow vehicles to be used off road except in areas which are "declared" closed to vehicular use. The Committee has considered the implications of these two approaches and believes that there are dangers in both. The Queensland legislation may result in no sensitive areas being "declared" closed to vehicular use and the Victorian legislation may result in no "free access areas" being provided. There is also a danger that under Queensland legislation local governments may "declare" large areas closed causing difficulties similar to those that might arise in Victoria if no "free access areas" are provided.



156. The Committee believes that the environment as a whole can be better protected by banning the use of vehicles off road except in specific areas. However it is emphasised that it is important that adequate ORV areas be provided and that these areas are suitable for ORV use (see paragraphs 117 - 122). Accordingly the Committee believes that legislation for the Australian Capital Territory and the Northern Territory should include provision for prohibiting the use of vehicles off roads.

157. The Committee therefore recommends that specific legislation should be introduced in the Australian Capital Territory and the Northern Territory as soon as possible and should cover the following points:

- . registration of vehicles for recreation use;
- . display of registration plates;
- . third party insurance of these vehicles;
- . provision that an environmental impact assessment be made before any new types of ORVs manufactured in Australia are permitted recreation vehicle registration;
- . age/power limits as in Victorian legislation;
- . safety standards for vehicles;
- . compliance with ADR 28 on noise levels;
- . provision of areas specifically intended for ORV use (see paragraphs 117 - 122); and
- . prohibition of the use of vehicles off road except in areas specifically set aside for off-road use.

158. The Committee also believes that the states should examine these points with a view to incorporating them in ORV control legislation to suit their individual requirements. While the Committee does not necessarily consider that the states should enact uniform legislation it believes that the points mentioned in the previous paragraph are required for minimum effective control. The Committee therefore recommends that the Minister for Environment, Housing and Community Development request the Council of Nature Conservation Ministers to develop national guidelines for legislation and management policy regarding off-road vehicles.

#### Import Restrictions

159. Some witnesses told the Committee that the environmental damage caused by ORV use could be decreased by controlling the number of ORVs in the community. This could either be done by imposing import quotas or by greatly increasing duties putting these vehicles beyond the means of many present users. The Committee does not believe that imposing import quotas or increasing duties is a fair or effective way of controlling vehicles which are already widely used in Australia or that the device will necessarily produce the desired result. The Committee believes that the environment can be better protected by controlling where vehicles can be used and by educating ORV users to understand the damage that indiscriminate use of these vehicles can cause.

160. The Committee's attention was drawn to a number of types of ORVs which are in use overseas but have not been marketed to any extent in Australia. Such vehicles include

hovercraft, all terrain vehicles and amphibious vehicles. The Committee shares the view of CONCOM (see Appendix 2) that it would not be wise to allow large-scale importation of these types of vehicles without giving consideration to their possible impact on the environment. The Committee therefore recommends that the Commonwealth Government require that prior to the importation of any new type of off-road recreational vehicle an environmental impact assessment be undertaken (see also paragraph 133). The Committee further recommends that the import of over-snow vehicles for recreational purposes be prohibited (see paragraph 123).

#### Research

161. The Committee's inquiry revealed a lack of quantitative evidence on the effects of ORVs on a variety of ecosystems and the carrying capacities of these systems. A witness who is a lecturer at the Queensland Institute of Technology described the sort of research he is doing monitoring vegetation damage, soil erosion, etc, caused by ORV use on a variety of environments around Australia<sup>1</sup>. The sub-committee was told that the Forests Branch of the Department of the Capital Territory is closely monitoring ORV impact on the Mount Stromlo site<sup>2</sup>. The Committee feels that this kind of research is essential if governments are to have a clear understanding of the carrying capacity and suitability of land they allocate for ORV use. The Committee feels that further research on the carrying capacity of various ecosystems could be undertaken

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<sup>1</sup> Transcript p1998

<sup>2</sup> Stromlo Trail Bike Area - Periodic Impact Assessments 1974-1976, Department of the Capital Territory

by state forestry commissions, national park services, universities and other environmental research organisations. The Committee recommends that the Commonwealth Government encourage research to be undertaken on the carrying capacity of various ecosystems. The Committee also recommends that the Commonwealth Government sympathetically consider requests from non-government bodies for financial assistance for this type of research.

(J.C. HODGES)  
Chairman

February 1977

# APPENDIX 1

## LIST OF WITNESSES

ALLMAN, Mr D.G.	Assistant to the Managing Director L.N.C. Industries Limited SYDNEY. N.S.W.
BAKER, Mr G.E.	Vice-President Hunter Valley Dune Buggy Club NEWCASTLE. N.S.W.
BARKER, Mr J.W.	Member Brisbane Four Wheel Drive Club BRISBANE. QLD.
BARR, Mr D.A.	Senior Dune Conservationist Queensland Department of Harbours and Marine BRISBANE. QLD.
BASHAM, Mr J.	President Australian Motorcycle Trail Riders Association MELBOURNE. VIC.
BAZZANO, Mr J.E.	President Toyota Landcruiser Club of Australia (Sydney Branch) SYDNEY. N.S.W.
BENNETT, Mr F.C.	Assistant Commissioner Department of Transport BRISBANE. QLD.
BIRD, Mr G.N.T.	Vice-President Toyota Landcruiser Club of Australia (Sydney Branch) SYDNEY. N.S.W.
BRIGG, Mr J.S.	Assistant Secretary Recreation and Tourism Branch Department of the Capital Territory CANBERRA. A.C.T.
BUCHLER, Mr D.B.	Conservation Officer Canberra Bushwalking Club Inc CANBERRA. A.C.T.

CAMERON, Mr J.D.	Director Hungry Creek Motorcycle Park SYDNEY. N.S.W.
CHINNER, Mr D.W.	Private Citizen ALICE SPRINGS. N.T.
COFFEY, Mr R.F.	Secretary Local Government Association of Western Australia and of the Country Shire Councils Association PERTH. W.A.
CRAVEN, Mr K.R.	Secretary Motorcycle Industry Division Victorian Automobile Chamber of Commerce MELBOURNE. VIC.
CUMMINE, Mr A.	Senior Research Officer Secretariat Branch Department of Environment, Housing and Community Development CANBERRA. A.C.T. and Member Southern District Motor Sports Association CANBERRA. A.C.T.
D'ARCY, Mr M.D.	Project Officer Youth, Sport and Recreation Branch Department of Environment, Housing and Community Development CANBERRA. A.C.T.
DAVIS, Mr J.W.	President Victorian Mini-Bike Association Victorian Automobile Chamber of Commerce MELBOURNE. VIC.
DOWNING, Mr F.C.R.	Member Landrover Club of the Australian Capital Territory CANBERRA. A.C.T.

DUNN, Mr C.J. Executive Officer  
Victorian Association of Four  
Wheel Drive Clubs  
MELBOURNE. VIC.

ELLIS, Mr R.W. Private Citizen  
HYDE PARK. S.A.

FAINE, Mr C.R. Committeeman  
Cooloola Committee  
BRISBANE. QLD.

FARMER, Mr R.G. Member  
Brisbane Four Wheel Drive Club  
BRISBANE. QLD.

FELLER, Dr M.C. Chairman  
Conservation Committee  
Federation of Victorian Walking  
Clubs  
MELBOURNE. VIC.

FRASER, Rt Hon. J.M. Prime Minister  
CANBERRA. A.C.T.

GALE, Mr R.W. Senior Engineer  
Beach Protection Branch  
Queensland Department of Harbours and  
Marine  
BRISBANE. QLD.

GARDINER, Major K.F. Staff Officer Grade 2  
(Environment)  
Defence Facilities Division  
Department of Defence  
CANBERRA. A.C.T.

GILCHRIST, Mr J.B. Director  
Planning Policy and Projects  
National Capital Development  
Commission  
CANBERRA. A.C.T.

GOULTER, Mr R.J. General Secretary/Treasurer  
Auto Cycle Union of New South Wales  
SYDNEY. N.S.W.

GRAHAM, Mr J.S. Director  
Community Recreation Council of  
Western Australia  
PERTH. W.A.

GRASBY, Mr J.C. Adviser  
Soil Conservation Service  
Western Australian Department of  
Agriculture  
PERTH. W.A.

HALL, Mr R.D. Superintendent of Crown Land  
Management  
Department of Crown Lands and  
Survey, Victoria  
MELBOURNE. VIC.

HARE, Mr W.T. Director  
Northern Territory Reserves Board  
ALICE SPRINGS. N.T.

HILL, Mr M.A. Public Relations Officer  
Recreational Vehicles Co-ordinating  
Council  
ADELAIDE. S.A.

HOCKING, Mr D.N. Private Citizen  
CANBERRA. A.C.T.

HODGSON, Mr A. Officer-in-Charge  
Forest Environment and Recreation  
Branch  
Forests Commission of Victoria  
MELBOURNE. VIC.

HOLMES, Mr T.E. General Manager  
Yamaha Division  
Annand and Thompson  
BRISBANE. QLD.

HOOK, Dr C.P. Publicity Officer and Librarian  
National Parks Association of the  
Australian Capital Territory  
CANBERRA. A.C.T.

HORE-LACY, Mr I.L. Private Citizen  
MELBOURNE. VIC.

HOWARD, Mr K.W. Environmental Officer and Deputy  
Health Surveyor  
Bankstown Municipal Council  
SYDNEY. N.S.W.

HUTCHINSON, Mr R.G. Member  
Road Trials Advisory Committee  
Auto Cycle Union of New South Wales  
SYDNEY. N.S.W.

INGLIS, Dr W.G. Director  
Department of Environment and  
Conservation  
ADELAIDE. S.A.

JACOBS, Mr R.K. Assistant Secretary  
Motorcycle Club of Canberra Inc  
CANBERRA. A.C.T.

JENKIN, Dr J.F. Executive Officer  
Victorian National Parks Association  
MELBOURNE. VIC.

JOHNSON, Mr H.R. Director  
Conservation Council of Victoria  
MELBOURNE. VIC.

JOHNSON, Mr R.J. Honorary Secretary  
Victorian National Parks Association  
MELBOURNE. VIC.

KOTZ, Mr J.L. Chairman  
Motorcycle Industry Division  
Victorian Automobile Chamber of  
Commerce  
MELBOURNE. VIC.

MALLEY, Mr M.A. Group Advertising Manager  
Ateco-Suzuki  
SYDNEY. N.S.W.

MERCER, Dr D.C. Lecturer in Geography  
Monash University  
MELBOURNE. VIC.

MITCHELL, Mr A. Chairman  
Soil Conservation Authority of  
Victoria  
MELBOURNE. VIC.

MOSLEY, Dr J.G. Director  
Australian Conservation Foundation  
MELBOURNE. VIC.

MCDONAGH, Brigadier J.F. Director-General of Accommodation  
and Works (Army)  
Defence Facilities Division  
Department of Defence  
CANBERRA. A.C.T.

McKENRY, Mr K. Private Citizen  
MELBOURNE. VIC.

McKNIGHT, Mr I.D. General Manager  
Light Car Club of Australia  
MELBOURNE. VIC.

McPHERSON, Mr M. Committee Member  
Light Car Club of Australia  
MELBOURNE. VIC.

NEEDHAM, Mrs S. Secretary  
Toyota Landcruiser Club of Australia  
(Sydney Branch)  
SYDNEY. N.S.W.

NEWBON, Mr N.W. Advertising and Public Relations  
Manager  
L.N.C. Industries Limited  
SYDNEY. N.S.W.

O'BRIEN, Dr B.J. Director  
Department of Conservation and  
Environment  
PERTH. W.A.

OWERS, Mr D.J. Dudley Progress Association  
SYDNEY. N.S.W.

PARKES, Mr R.M. Victorian Secretary-Manager  
Confederation of Australian Motor  
Sport  
MELBOURNE. VIC.

PAUST, Mr R.C. Secretary  
Department of Local Government  
PERTH. W.A.

SYKES, Mr G.C. President  
Southern District Motor Sports  
Association  
CANBERRA. A.C.T.

TILBURY, Mr D.J. Public Relations Officer  
Australian Motorcycle Trail Riders  
Association  
MELBOURNE. VIC.

USBACK, Mr R.G. Director  
Environmental Policy Branch  
Department of Environment, Housing  
and Community Development  
CANBERRA. A.C.T.

VIDLER, Mr A.W. President  
Canberra Bushwalking Club Inc  
CANBERRA. A.C.T.

WALLACE, Mr A.K. Private Citizen  
ADELAIDE. S.A.

WATSON, Mr W.R. First Assistant Secretary  
Environment Policy Co-ordination  
Division  
Department of Environment, Housing  
and Community Development  
CANBERRA. A.C.T.

WEIR, Mr E.G. Operations Manager  
National Parks and Wildlife Service  
of New South Wales  
SYDNEY. N.S.W.

WELSH, Ms A. Environmental Officer  
Department of Environment and  
Conservation  
ADELAIDE. S.A.

WILLIAMS, Mr K.M. Secretary  
Australian Motorcycle Trail Riders  
Association  
MELBOURNE. VIC.

WILLOCK, Mr E.C. Vice-President  
Speleological Research Group of  
Western Australia  
PERTH. W.A.

WILSON, Mr R.L. Committee Member  
Ski-Touring Association of Victoria  
MELBOURNE. VIC.

WOOD, Mr J.P. Lecturer in Recreation and Resources  
Management  
Canberra College of Advanced  
Education  
CANBERRA. A.C.T.

WOODS, Mr P.J. Environmental Officer  
Department of Conservation and  
Environment  
PERTH. W.A.

YOUNG, Mr G. Secretary  
Ski-Touring Association of Victoria  
MELBOURNE. VIC.

RECOMMENDATIONS BY THE COUNCIL OF NATURE CONSERVATION  
MINISTERS ON USE OF OFF-ROAD VEHICLES

There should be opposition to the use of (non-service) O.R.Vs. in national parks and other important nature reserves, except when used as conventional transport, or on designated tracks and roads.

Encouragement should be given to State authorities to control the problem legislatively outside the parks and reserves system.

Very careful consideration should be given to what, if any, land may be used by owners of such vehicles for recreational purposes.

Where use is permitted, the following principles should apply:

- (a) Land isolated from other users to minimise noise nuisance should be selected.
- (b) Ecologically sensitive areas should be avoided.
- (c) The "user pays" principle should be adopted.
- (d) A recreation intrinsically hard on the environment should have growth limits imposed one way or another.

Before any new kinds of recreation vehicles are permitted to be imported into Australia, they should be subjected to strict environment impact assessment.

The advertising industry should be advised that "domination of nature" and "bush-bashing" themes must be avoided.

The plantation trail bike area in the A.C.T., managed by the Forests Branch of the Department of the Capital Territory, is a pilot trial worthy of study.

There should be more quantitative measurement of impact on the environment. The likely costs of management methods can only be arrived at in this way.

Any resolutions which Council may pass on this matter together with the full report of the Working Group be transmitted to the House of Representatives Standing Committee on Environment and Conservation for their consideration.

This Working Group should be disbanded, since other land use authorities should be involved. However, the position as it affects national parks and nature reserves should be regularly reviewed by the Council of Nature Conservation Ministers.

Source: Council of Nature Conservation Ministers

### APPENDIX 3

#### THE DISMAL CYCLE

1. Motorized recreation vehicle (MRV) sales produce a small, identifiable group of owners of a particular vehicle displaying one common problem: no land of their own.
2. They begin to use public or private land with or without permission.
3. The group grows, damage occurs, and initial conflict develops.
4. Either (a) users are prohibited completely and no alternative site is offered (return to 2), or (b) some informal agreement is reached, usually with public managers.
5. The existence of approved site is publicised by the users (to friends) and by vehicle dealers (to potential customers): more sales, more users.
6. 'Bad apples' emerge to jeopardize the initial agreement; conservationists, neighbours, other use types form a coalition which forces a 'shot-gun wedding' between recreation vehicle users and the manager. More sales, more users, and more outsiders begin to come.
7. 'Self-organisation and policing' as well as explicit management controls are initiated. Subtle co-optation of public agency has occurred, and the manager feels compelled to make the 'marriage' work.
8. Publicity about favourable features is distributed; equilibrium is attained; more sales, more users.
9. Too many 'bad apples', too much damage, too few 'police' and the saturation point is reached. The anticoalition reactivates. A 'final straw' event occurs.
10. The manager declares total elimination of MRV's from the area. If alternative site is offered, go to 4(b), if not go to 2 and repeat cycle.

Source: Submission from Department of Environment and Conservation, South Australia. Transcript p1267

### APPENDIX 4

#### ADR 28

#### AUSTRALIAN DESIGN RULE NO. 28 - MOTOR VEHICLE NOISE

##### 28.1 Definitions

28.1.1 Net Engine Power (N.E.P.) means the maximum output at the fly wheel of an engine representing a standard version in all parts, including intake and exhaust system, the fan, water pump or cooling blower, as the case may be, fuel pump, injection pump and unloaded generator with standard carburettor adjustment and ignition or injection timing as the case may be, using a commercial fuel as prescribed for the vehicle, and at the coolant and lubricant temperatures occurring in normal operation.

The measured output shall be converted to standard conditions of barometric pressure and temperature (760mm mercury, 20° Celsius) according to the following formula:

$$N.E.P. = \frac{760}{b} \sqrt{\frac{273 + t}{273 + 20}} \times (\text{Measured Power})$$

Where b = the observed barometric pressure in the laboratory in millimetres of mercury

t = the temperature of the air at the engine air intake in °C

##### 28.2 Requirements

When any vehicle is operated in accordance with the requirements of Clause 28.4 the sound level at a point between 7.3m and 7.7m from the path of the centre line of the vehicle and 1.1m and 1.3m above ground level shall not exceed by more than 1dB(A) the limits specified for the vehicle in Table 1.



TABLE 1.

Category of Vehicle	Maximum Sound Level in dB(A)
A <u>Motor Cycles</u> With engine capacity:	
Not exceeding 125ml	82
Over 125ml but not exceeding 500 ml	84
Over 500ml	86
B <u>Three Wheeled Motor Vehicles</u>	85
C <u>Motor Vehicles with Four or More Wheels</u>	
(a) Passenger cars, passenger car derivatives and multi- purpose passenger cars	84
(b) Omnibuses with a gross vehicle weight	
(i) not exceeding 3.5Mg	85
(ii) over 3.5Mg - with an engine of not more than 150 kW N.E.P.	89
(iii) over 3.5Mg - with an engine of more than 150 kW N.E.P.	92
(c) Other vehicles with gross vehicle weight	
(i) not exceeding 3.5Mg	85
(ii) over 3.5Mg but not exceeding 12Mg	89
(iii) Over 12Mg - with an engine of not more than 150 kW N.E.P.	89
(iv) over 12Mg - with an engine of more than 150 kW N.E.P.	92

28.3 Sound Level Measuring Instruments

28.3.1 Sound level measurements shall be carried out using a sonometer designed to have a weighting network conforming to the curve in Figure 1 and response characteristics as specified in 28.3.2 and 28.3.3.

28.3.2 If a pulse of sinusoidal signal having a frequency of 1kHz and a duration of 200 milliseconds is applied, the maximum reading shall be  $1 \pm 1$ dB(A) less than the reading for a steady signal of the same frequency and amplitude.

28.3.3 If a sinusoidal signal, at any frequency between 100Hz and 12.5kHz is suddenly applied and thereafter held constant, the maximum reading shall exceed the final steady reading by  $0.6 \pm 0.5$ dB(A).

Note: A sonometer designed to meet the requirements of Publication 179(1965) 'Precision sonometers' of the International Electrotechnical Commission (IEC) will meet the requirements of 28.3

28.4 Test Procedure

28.4.1 Measurement shall be performed with the vehicle at the unladen weight plus driver and on a sealed surface consisting of concrete, bitumen or other approved material. The wind velocity shall be not greater than 15 km/h.

28.4.2 The engine shall be tuned to the vehicle manufacturer's specifications and brought to normal operating temperature.

28.4.3 The vehicle shall approach the test area at a steady speed and cross a line (depicted as line AA' in Figure 2) under the following conditions.

28.4.3.1 Vehicle with no gear box - The vehicle speed shall be within a tolerance of  $+ 5$ km/h and  $- 1$ km/h of 50km/h or the speed which corresponds to 75% of the engine speed at which the engine develops its NEP or to 75% of the maximum engine speed permitted by the engine governor, whichever is the lowest.

28.4.3.2 Vehicle with manually-operated gear box - If the vehicle is fitted with a two-speed, three-speed, or four-speed gear box, the second gear shall be used. If the vehicle has more than four speeds, the third gear shall be used. If, by following the above procedure, the engine speed developed during the test run exceeds the manufacturer's recommended maximum, the first higher gear which ensures that this maximum is no longer exceeded may be used. Auxiliary step-up ratios ('overdrive') shall not be engaged. If the vehicle is fitted with a final drive of more than one gear ratio, the ratio selected shall be that allowing the highest vehicle speed. The vehicle approach speed shall be within a tolerance of + 5km/h and - 1km/h of 50km/h or the speed which corresponds to 75% of the engine speed at which the engine develops its NEP or to 75% of the maximum engine speed permitted by the engine governor, whichever is the lowest.

28.4.3.3 Vehicle with an automatic gear box - Where several forward drive selector positions are available, the position selected shall be that which results in the highest mean acceleration of the vehicle during the full throttle section of the test except that in the case of a vehicle with more than 2 selector positions any selector position which restricts operation to the lowest gear ratio shall not be used and any device which would automatically select the lowest ratio may be disconnected. The vehicle approach speed shall be within a tolerance of + 5km/h and - 1km/h of 50km/h or 75% of the maximum speed of the vehicle whichever is the lower.

28.4.4 When the most forward point of the vehicle reaches the line depicted as line AA' in Figure 2, the throttle shall be fully opened.

28.4.5 When the most rearward point of the vehicle reaches the line depicted as line BB' in Figure 2 the throttle shall be fully closed.

28.4.6 At least two measurements shall be made on each side of the vehicle.

## 28.5 Interpretation of Results

28.5.1 A set of two measurements shall be considered valid if the difference between the two consecutive measurements on the same side of the vehicle is not more than 2dB(A).

28.5.2 The noise level of the vehicle shall be the highest measurement of a set of measurements which shall include at least two consecutive measurements on each side of the vehicle except that if the set includes not more than one measurement which exceeds by more than 1dB(A) the maximum noise level specified for the vehicle in Table 1 then the set may be replaced by a second series of measurements including at least two consecutive measurements on each side of the vehicle.

FIG.1.— Weighting curve A  
(As taken from Publication 179 (1965) of the International  
Electrotechnical Commission (IEC))

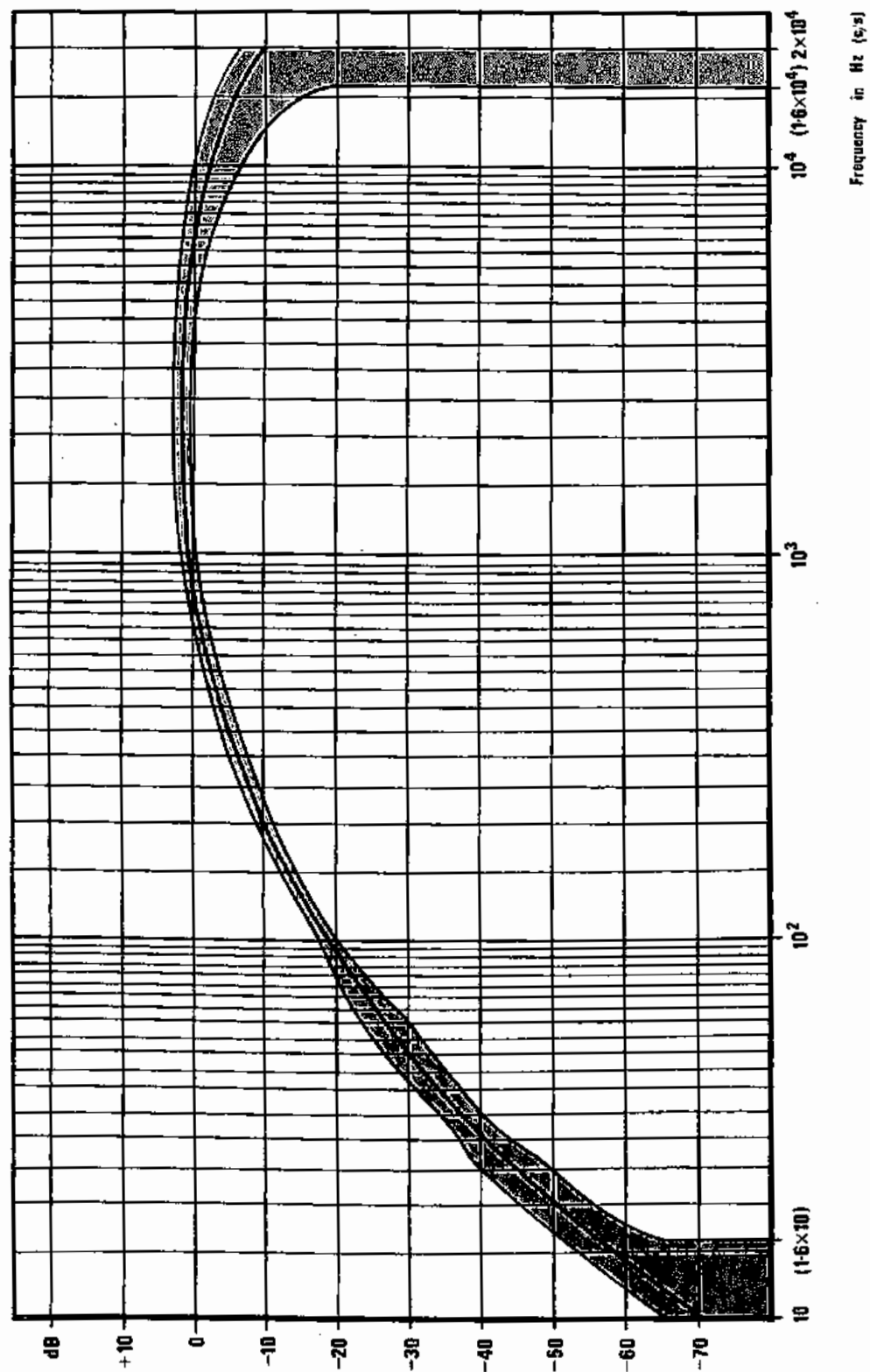
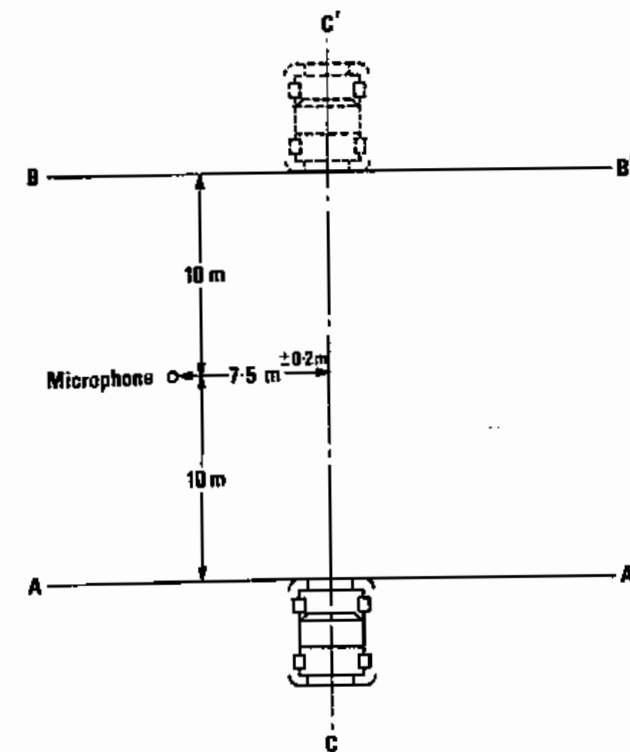


FIG 2



## APPENDIX 5

### THE LAW RELATING TO THE OWNERSHIP AND USE OF RECREATION VEHICLES (VICTORIA)

Two separate Acts - the Recreation Vehicles Act 1973 and the Land Conservation (Vehicle Control) Act 1972 relate to the ownership and use of recreation vehicles and both these Acts have effect from 17th September, 1973.

The following questions and answers draw attention to the main provisions of these Acts:-

#### Q.1 WHAT IS A RECREATION VEHICLE?

ANSWER In simple language, a recreation vehicle means any motorised vehicle with two or more wheels or tracks, which is to be used for recreation elsewhere than on a highway. Its most common forms are mini-bikes, trail bikes and beach and dune buggies.

#### Q.2 MUST RECREATION VEHICLES BE REGISTERED?

ANSWER Yes, recreation vehicles intended to be used in any public place must be registered and covered by Third Party Insurance. Application for registration can be made at any Police Station.

Recreation vehicles can only be registered by persons over the age of 18 years.

#### Q.3 MUST A RECREATION VEHICLE MEET ANY ROADWORTHY REQUIREMENTS BEFORE IT CAN BE REGISTERED?

ANSWER Yes, all recreation vehicles must comply with the requirements of the Recreation Vehicles Regulations 1973.

#### Q.4 CAN THE REGISTRATION OF A RECREATION VEHICLE BE SUSPENDED?

ANSWER Yes, the Chief Commissioner may suspend the registration of any recreation vehicle if he is satisfied that the vehicle is in such a condition that it would be dangerous or unsafe to use the vehicle in a public place.

#### Q.5 CAN A REGISTERED RECREATION VEHICLE BE USED ON A HIGHWAY?

ANSWER No, registered recreation vehicles may only be used in a public place.

#### Q.6 MUST THE DRIVERS OF RECREATION VEHICLES BE LICENSED?

ANSWER No, but certain restrictions are placed on persons with certain age groups - namely

- (a) persons under the age of 8 years are not permitted to drive a recreation vehicle.
- (b) a person under the age of 15 years is not permitted to drive in a public place a recreation vehicle -
  - (i) with two or three wheels and an engine capacity of more than 80 cubic centimetres;
  - (ii) with more than three wheels having tyres with an outer diameter of more than 12 inches; or
  - (iii) at a speed exceeding 20 miles per hour.

#### Q.7 MUST THE DRIVERS OF RECREATION VEHICLES WEAR A PROTECTIVE HELMET?

ANSWER Yes, the drivers of two or three wheeled recreation vehicles must wear securely on their head a protective helmet of a type approved by the Chief Commissioner of Police.

#### Q.8 WHO IS RESPONSIBLE, IN THE EVENT OF DRIVING OFFENCES INVOLVING PERSONS UNDER 15 YEARS?

ANSWER The owner of the vehicle, as well as the driver shall be deemed guilty of an offence.

#### Q.9 HAS THE OWNER ANY OTHER RESPONSIBILITIES RELATED TO THE USE OF HIS VEHICLE?

ANSWER Yes, the owner as well as the driver will be deemed guilty of an offence if the vehicle is used in a public place -

- (i) unregistered;
- (ii) without number plates correctly fixed; or if,
- (iii) the number plate is obscured.

Q.10 WHAT ARE THE PENALTIES FOR CONTRAVENTIONS OF THE RECREATION VEHICLES ACT?

ANSWER The penalty for reckless or dangerous driving or driving under the influence of liquor or a drug is a maximum fine of \$100. For other offences relating to the provisions of the Recreation Vehicles Act or Regulations for which no penalty is expressly provided the penalty for the first conviction is up to \$50 and for subsequent convictions up to \$100.

Q.11 ARE THERE ANY RESTRICTIONS ON THE USE OF REGISTERED RECREATION VEHICLES ON PUBLIC PLACES WITHIN THE URBAN AREAS?

ANSWER Yes, within the boundaries of all cities, towns and boroughs throughout the State - Municipal Councils are empowered by a Section of the Land Conservation (Vehicle Control) Act 1972 to make by-laws either to prohibit or to regulate the use of motorised vehicles for recreation purposes on any land within their respective districts. A recreation vehicle owner should inquire at the appropriate Municipal Office, before permitting the vehicle to be used on any public land within the municipality.

Q.12 ARE THERE RESTRICTIONS ON THE USE OF RECREATION VEHICLES ON PUBLIC LAND ELSEWHERE THROUGHOUT THE STATE?

ANSWER Yes. On any public land which has been declared an Erosion Hazard Area, vehicular movement is totally prohibited.

Any interference with the vegetation, soil or water within an Erosion Hazard Area also is totally prohibited. Copies of the plan of Erosion Hazard Areas are available for inspection at all police stations within the vicinity of the areas. The penalty for unauthorized entry into an Erosion Hazard Area is a fine of up to \$500.

There also is a general prohibition of 'off-the-road' use of recreation vehicles or any other type of vehicle on other public land. In general terms, 'public land' includes all of the coastal foreshores, water and recreation reserves, state forests, national parks, wildlife reserves and other unalienated Crown land that is outside the boundaries of cities, towns and boroughs.

Within these public lands, no vehicle is permitted to move elsewhere than on a road or track formed for the passage of vehicles having four or more wheels or in a parking area. 'Off-the-road' movement on public land other than declared Erosion Hazard Areas, is permitted only by vehicles used on governmental business and by persons acting in accordance with a lease, licence or permit relating to the area. No other vehicle shall be driven in such off-the-road areas without the written permission or the specific direction of the proper authority.

Any person who drives 'off-the-road' without permission is liable to a penalty of up to \$500.

Q.13 ARE ANY AREAS OF PUBLIC LAND (OUTSIDE THE BOUNDARIES OF CITIES, TOWNS OR BOROUGHES) AVAILABLE FOR 'OFF-THE-ROAD' RECREATION USE?

ANSWER Not at present. There is provision in the legislation for the definition, within specified parts of public land, of 'free access areas' but no such areas have yet been declared.

Q.14 FOR WHAT REASON HAVE THESE CONDITIONS BEEN IMPOSED ON THE USE OF RECREATION VEHICLES?

ANSWER There are two compelling reasons for the enactment and enforcement of the provisions of the Recreation Vehicles Act and the Land Conservation (Vehicle Control) Act.

Firstly, the rights and well-being of the general public, in their use of public land for relaxation and recreation requires protection from the disturbance, nuisance and risk of injury resulting from unregulated and irresponsible use of motorised recreation vehicles.

Secondly, the damage caused by vehicular traffic to protective vegetation on the soil erosion prone sand dunes of the coastal and inland regions and in areas of forests and water catchments has reached a stage where remedial treatment and protection from further damage is essential.

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Source: Ministry for Conservation, Victoria

## APPENDIX 6

### AUSTRALIAN MOTOR-CYCLE TRAIL RIDERS ASSOCIATION

#### CODE OF ETHICS

This publication was drawn up in March, 1972 with the Forestry Commission of Victoria and is to be read in conjunction with the club constitution and Trail Riders Manual, and is a guide to the behaviour expected of Trail Riders.

#### COMPLIANCE WITH LAWS OF REALM.

(a) Notwithstanding anything contained within these bylaws or not specifically covered by them, no member shall whilst engaged in any official club business or activity violate any law or regulation of the Commonwealth of Australia or of the state or Territory of Australia in which that business or activity is being conducted.

#### IDENTIFICATION WITH CLUB.

(a) No member shall act in the club's name, or use the Club's name in any way whatsoever without the full knowledge and consent of the committee.

(b) For the purpose of these bylaws, only those activities which have been approved by the committee shall be recognised as official club activities. Any activity not so approved shall be considered as a member's private activity.

(c) Any member who at any time identifies himself with the club either visibly or in any other way whatsoever shall be bound to comply with these bylaws for the full duration of the time in which such identification may be possible.

#### TRIP PLANNING.

(a) The leader of official club activity shall be a member authorized by the committee to act as leader.

(b) When an official club activity is to be conducted in a Forest district administered by the Forests Commission of Victoria, the trip leader shall ensure that approval for the use of tracks in the area is obtained from the District Forester prior to entering the district. And equivalent procedure shall be followed where appropriate in respect of any area controlled by any other authority or individual. The trip leader shall be responsible for determining whether or not such a procedure is appropriate.

(c) The trip leader shall ensure that to the best of his knowledge and ability the bylaws of the club are observed at the official club activity of which he is the leader, and shall provide names of all participating members to the committee for recording.

(d) Convoy procedures appropriate to prevailing conditions shall be determined by the trip leader and shall be observed by riders of all machines involved in the activity.

(e) Members planning private activities as defined in bylaws 2(b) who lie within the scope of bylaw 2(c) shall be held equally responsible for ensuring the observance of these bylaws in relation to such an activity.

#### CONSERVATION.

(a) TRAILRIDERS shall recognize the rights that all other people have to the natural wilderness and solitude of forests, to be enjoyed by each in his own way.

(b) Members shall conduct themselves at all times in such a manner as to conserve native fauna and flora and the natural environment, and should encourage others to do likewise.

#### Specifically:-

- (1) No vehicle shall be driven on tracks which have been constructed specifically for non-vehicular traffic.
- (2) In all high plain country, vehicles shall be absolutely restricted to travelling on defined vehicular tracks.
- (3) In other than high plain country, vehicles shall be restricted as far as practical to travelling on defined vehicular tracks. Where use of a defined vehicular track may be impractical, every effort shall be made to avoid or minimize environmental damage and any damage so caused shall be made good where practical.
- (4) No litter shall be disposed of in an improper manner. If litter cannot be placed in a receptacle provided for the purpose it should be removed from the forest.
- (5) Wild life shall be conserved by observance of specified closed seasons, bag limits, minimum size and methods of capture, killing of recognized game. No form of wild life shall be killed or maimed indiscriminately regardless of whether or not it is protected in law.

(c) All trailbikes are to have approved mufflers fitted to their machines, and the noise is to be kept to a minimum. All bikes must be street legal.

FIREARMS. Members shall be prohibited from carrying firearms.

SPREADING THE WORD.

It is requested that all trailriders inform all other trail riders of these bylaws, and that they be observed by all riders.

R76/995

Source: Forests Commission, Victoria