



BACK ON TRACK

THE STATE TRAIL BIKE STRATEGY

A SUSTAINABLE FUTURE FOR RECREATIONAL TRAIL BIKE RIDING IN WESTERN AUSTRALIA

PREPARED BY: TRAIL BIKE MANAGEMENT AUSTRALIA

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Department of Sport and Recreation
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RTRA
 RECREATIONAL TRAILBIKE
 RIDERS' ASSOCIATION WA



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DISCLAIMER

The information in this document is intended only for discussion purposes. It is not a statement of any policy or intention of any of the organisations mentioned in this document. It is not a legal opinion. It may contain factual errors. It may omit relevant information. Any and all liability for any loss or damage arising from any reliance upon any information in this document is disclaimed. It is strongly recommended that you seek legal advice to confirm the information in this document.

The State Trail Bike Strategy has been prepared for the State Government of Western Australia for the purpose of developing a framework for planning and managing recreational trail bike riding in Western Australia. This report must not be used for any other purpose, nor by any other party.

THE STATE TRAIL BIKE STRATEGY

Trail bike riding brings a sense of fun and freedom whilst providing the challenge of riding off road terrain. However, the community has raised valid concerns around noise and damage to the environment as well as the conflict between all users of tracks and trails.

STRATEGY INTENT

The fundamental premise of this project is that recreational trail bike riding, conducted in a responsible, legal and managed manner, is a legitimate recreational activity that has benefits for those engaged in the activity.

It is acknowledged that trail bike riding is increasing in popularity and that the issues outlined in this report are not going to resolve themselves. In fact doing nothing would have serious ramifications for the general community, health and safety, law and order, the environment, local and state government bodies, trail bike riders and relationships between riders and non-riders.

A coordinated approach is required, driven by an overall vision – a State Trail Bike Strategy. Recognising the growth in trail bike riding and the difficulties in planning and managing the activity, the Western Australian Government has funded the development of this Strategy.

This Strategy proposes a framework for planning and managing recreational trail bike riding on public and private lands and for coordinating cooperation between the relevant State Government agencies, local communities, local government and recreational trail bike riders.

STAKEHOLDER GROUPS

It is useful to consider five broad groups of stakeholders who have particular objectives and interest in the resolution of the current trail bike issues.

1. **Land managers:** Need to provide the land for trail riding but have land availability, access, environmental, liability, management and maintenance concerns.
2. **Environmental, community and residents groups:** Have concerns about the impacts of trail bike riding on flora, fauna, disease risk areas, soil and track erosion, water catchment, and noise. Resident groups also have concerns about noise, safety and protection of public places.
3. **Trail bike riders and the trail bike industry:** Want safe, quality places to ride for themselves and their families, reduction in conflict and injuries and to see an acceptance of and provision for their recreational activity.
4. **Other trail users:** Want trail bike riders off walking, cycling and bridle trails so they can enjoy their own activity safely and preserve their trails. many organisations have experience in development of tracks and trails programs.
5. **Regulators:** Consider issues such as registrations, licensing, enforcement, legislation, policies, liability, insurance, road classifications.

SCOPE OF STRATEGY

Recreational trail bike riding is undertaken in informal groups, with family or alone in a non-competitive environment. Trail riding occurs in off-road vehicle areas, on private land and on roads and trails in state forest and public land.

The Strategy will encompass land planning, legislative, social, environmental, management, compliance, enforcement and education factors and will build on, rather than duplicate, previous research and consultations.

The scope of this project does not include other off road vehicles such as four wheel drives or dune buggies, however there will be learnings or implications for these other activities. This Strategy has been restricted to trail bikes (including quad bikes) because they have a unique set of issues not faced by 4WDs, such as:

- Unregistered bikes (most 4WDs are registered),
- Junior riders that don't have licenses (not applicable to 4WDs),
- Greater enforcement issues (4WDs are less able to escape enforcement officers),
- Less organized (4WDs already have a number of clubs and bodies)
- Less engaged with government (whereas DEC already has MOUs with 4WD clubs).

In addition the 4WD and buggy stakeholder groups are quite different, it would have greatly increased the consultation, and trail bikes have been identified as causing the most concerns among all stakeholders.

The strategy also reflects the scope of the project's initiators, Motorcycling WA and the Recreational Trailbike Riders' Association.

PROJECT METHODOLOGY

The project methodology utilised the framework recommended by the Department of Premier and Cabinet in the Consulting Citizens Series¹. The project had 3 key phases which were conducted over the period from June to November 2007.

Desktop research

Many dozens of research papers, documents and online databases addressing this issue from around the world and within Australia were reviewed, assimilated and distilled (see References for a detailed list). International and Australian best practice was examined as well as the current Western Australian situation.

Stakeholder consultation and engagement

The project entailed extensive 'joint problem solving' consultation with each stakeholder group consultation to identify the issues and explore potential solutions. This involved numerous face to face meetings, presentations to special interest groups, teleconferences and the receipt of written submissions from interested parties.

The Communication Program informed the community and target groups about the project and advised opportunities for involvement. This included newspaper articles, riding site visits, attendance at riding events, linkages from government websites and relevant trail riding community websites, promotion in trail riding online forums, attendance at trails seminars, emails to environmental groups and promotion to local government authorities.

In addition there were two online surveys², one for trail bike riders and one for the general community, where almost 1,400 respondents provided their information, views and concerns over a three month period.

More detailed information on the Consultation Process is provided in the Appendices.

Documentation of the Strategy

Information from the desktop research, the consultations, surveys and the consultants' own knowledge and experience with this issue were documented in this report, together with recommended solutions. This was not a linear exercise, but dynamic, as learnings and opportunities for improvement were constantly fed back into the process and in doing so solutions were expanded and revised.

¹ Working Together – Involving Community and Stakeholders in Decision Making, Department of Premier and Cabinet 2006

² Full reports for both surveys are provided in the Appendix.

OBJECTIVES

A systems approach, rather than a series of disconnected strategies

Identifying, understanding, and managing interrelated processes as a system contributes to the effectiveness and efficiency in achieving objectives.

There are many interdependencies between the issues that need to be managed. For example the provision of land is influenced by liability and insurance issues, which are influenced by licencing and registration issues, which are influenced by environmental management guidelines.

A system approach recognises these interdependencies and provides an overall framework for planning, implementing and evaluating an overall program. The same approach can be scaled down to a project level with similar benefits realised.

Alignment of the interests of ORV users, other trails users, land managers and the broader community

Positive change will be easier to achieve if the objectives of each constituent group are aligned so that everyone is working for generally the same outcome. For example, bushwalkers may support the establishment of trail bike-only trails to help keep trail bikes off their walker-only trails.

Alignment is easier to achieve at the philosophical macro level than it is at the level of individual locations, but it can still be achieved by actively considering the needs of all stakeholders and looking for pragmatic win-win solutions.

Reduction in the levels of community concern and complaint

It is the nature of society that you can't please all of the people all of the time and so there will always be complaints about trail bikes, just as there are complaints about dogs, fences and overhanging trees. But an objective of this strategy must be the significant reduction in those complaints that are based on reasonable grounds, because a reduction in complaints will be a clear sign that trail bikes are having less negative impact on the environment and on social amenity.

Reduction in the incidence of environmental impact attributable to ORV use

While the reduction in complaint is an indirect indicator, physical observation of the environment is the most direct evidence of the success of a trail bike management strategy. Accordingly each decision must be considered in the context of its ability to contribute towards this objective.

Reduction in injury attributable to ORV use

Safety is a concern to both riders and the general community. This objective reflects that concern and serves as another factor for consideration in planning, and another KPI in evaluation.

Changing Behaviours

There is no point in developing a comprehensive management plan if it is subsequently ignored or unenforceable. Accordingly, the level of behaviour change and compliance achieved will serve as an indicator of the effectiveness of various strategies in delivering the requisite balancing of interests.

Increased levels of economic, health and social benefit attributable to ORV use

If recreational ORV use had no social utility then there would be much less appetite to encourage responsible use through management. The fact is that trail bike riding, as an active motorised recreation, fosters many desirable health and social outcomes. Accordingly it is an objective of this strategy that the social, health and economic benefits be maximised.

Long term sustainability

An overriding objective of this strategy is that each decision must be made with consideration to its sustainability. That does not mean, for example, that a proposal for a new Off Road Vehicle area will be rejected simply because the proposed area is targeted for some other use in the future, but it does mean that every decision made should be supported by a plan that will see its effectiveness preserved for the expected life of that decision.

REPORT STRUCTURE

This report is structured in 4 parts:

Part 1 – Surveying the Landscape

Observations, commentary and statistics that describe the current trail bike riding situation in Western Australia.

Part 2 – Alternative Routes

Solutions and Recommendations. The Trail Bike Sustainability Model and a series of Key Focus Areas are explored and recommendations made. In many cases these recommendations indicate the requirement for further research or systems design work.

Part 3 – Getting Traction

The Action Plan along with tables of recommendations.

1. Summary of Recommendations
2. The Action Plan
3. Risks of Inaction

Part 4 – Appendices

The survey reports, detailed data, information and discussion papers relating to specific issues.

1. Riding Site Register
2. Junior Riders' Licence
3. Risk Management and Liability
4. Minikhana
5. Consultation Methodology
6. Glossary
7. References
8. Trail Bike Rider Survey Report
9. Community Survey Report

EXECUTIVE SUMMARY

Western Australia is experiencing rapid growth in popularity of recreational trail bike riding. Sales of off road motorcycles and quad bikes increased by 66% between 2004 and 2006 and while no precise total numbers exist, it is estimated that around 50,000 trail bikes exist and are ridden in WA. Quad bikes are very popular with sales in WA representing 40% of total national sales.

Against this backdrop of a rapidly growing recreation we are seeing an equally rapid urban spread, bringing residential areas into close proximity to 'traditional' riding spots. Rather than keeping pace with the growth in ORV use there has actually been a significant reduction in designated Off Road Vehicle areas. The lack of designated areas has contributed to a proliferation of unofficial, and often illegal, riding areas. These are causing increasing community concern over noise, safety, environmental damage, illegal riding and general nuisance.

The State Trail Bike Strategy has been developed to provide a coordinated approach driven by an overall vision. The **objectives** are to:

- Develop a systems approach, rather than a series of disconnected strategies
- Align the interests of ORV users, other trails users, land managers and the broader community
- Reduce the levels of community concern and complaint
- Reduce the incidence of environmental impact attributable to ORV use
- Reduce injuries attributable to ORV use
- Foster behaviour change amongst trail bike riders
- Maximise economic, health and social benefits attributable to ORV use
- Provide for long term sustainability

The five broad groups of **stakeholders** are

Land managers; Environmental, community and residents groups; Trail bike riders and the trail bike industry; Other trail users and Regulators.

Surveys, research and consultation found the main concerns of the general community and trail bike riders to be:

COMMUNITY CONCERNS	TRAIL BIKE RIDER CONCERNS
Noise	Lack of designated areas and trails being closed
Trail Conflict	Safety
Environmental Impacts	Irresponsible riders
Trail Damage	Poor quality of ORV areas

Enforcement Difficulties	Lack of facilities for kids
Illegal Activities / Nuisance Behaviour	Lack of community acceptance - conflict between track users
Injury Levels / safety	Risk of being fined
Land Management	Lack of information
Liability	Funding inequities
Lack of a Coordinated Approach	Lack of government acceptance and policy exclusions
Lack of Places to Ride	The road network and licensing and registration

About Trail Bike Riding

Recreational trail bike riding comes in a variety of styles and rider objectives. The type of trail riding experience affects typical trail characteristics, user desires and requirements, trail infrastructure and compatibility with other trail users. Few trail bike riders ride their bikes on sealed roads and “freedom” and “enjoying the outdoors” are key themes which explain why the majority (85-90%) do not join clubs or ride circuits – they don’t want to be restricted by time or place.

Destination trail bike riders in particular value variety, scenery, companionship, adventure, fresh air and exercise. Because destination riding almost always occurs on public land, this form of riding is legally restricted to registered bikes and licensed riders. Accordingly there is no current opportunity for underaged riders to legally accompany their parents on destination trail rides and there are no legal opportunities for destination trail riding for quad bikes in Western Australia.

Western Australia is unique amongst Australian states in that it is the only state that declares off road vehicle areas on public land for the benefit of riders of bikes and quads that are not road registered, and for riders, especially juniors, who do not possess a driver’s licence. The mechanism for this is the Control Of Vehicles (Off-Road Areas) Act 1978. However there has been a significant reduction in designated Off Road Vehicle areas – from eight in 1978 to just four in 2007. Those that remain are under current pressure to close and their lack of design, management and maintenance make them unattractive for many riders.

With a lack of legal riding options, illegal riding occurs in many places throughout the state. Riders without licences or on unregistered bikes will often ride on suburban roads to get from their home to the place where they will ride. Riders of unregistered trail or motocross bikes ride in forests because of a dissatisfaction with the designated ORV areas or because they don’t know where else to ride. Many parents take their children to forest areas, knowing that they are doing so illegally but preferring the risk of prosecution to the risks that they perceive to exist at (and the unsatisfying nature of) the designated ORV areas.

Of greatest concern within the metropolitan area and urban areas of regional towns is the illegal riding on parks, reserves, sporting fields, walk and bridle trails and other public places. Noise, trail damage, destruction of vegetation, safety, liability and loss of amenity are just some of the causes for concern.

Trail Bike Sustainability Model

The State Trail Bike Strategy consists of a series of recommendations to help begin the transition of recreational trail bike riding from unplanned, unmanaged and unsustainable to planned, managed and sustainable.



The goal is for trail bike riding to be placed on a sustainable footing.

This requires the pressures, requirements and concerns of the community, land managers, environment groups, regulators, other trail users and trail bike riders to be in balance. If any of these pressures outweigh the others, the system will not be in balance and it will not be sustainable.

The recreation of trail bike riding must have suitable **governance, resourcing and funding** to ensure the solutions are sustainable.

To provide improved **trail and venue facilities**, trail bike riding must be better managed which requires increased regulation with **registration, licensing and enforcement**.

For land managers to provide facilities –the issues of **insurance, liability and risk management** must be addressed.

Designated trails and venues must be **planned, developed and maintained** to attract trail bike riders and to ensure minimal environment and community impact.

Education and improved information is needed to foster socially and environmentally acceptable riding behaviours.

It is essential that programs are implemented across all of the following **Key Focus Areas** as these have been developed to work together.

KFA1: Insurance, Liability and Risk Management

Without strategies to address insurance, liability and risk management issues land managers and land owners are reticent to make land available for trail bike recreation.

Trail bike riding is by its nature an activity that has inherent and obvious risks. Land Managers clearly cannot eliminate every risk from all recreation sites and trails without ultimately changing the very experience that users have come to enjoy.

The **objectives** for addressing insurance, liability and risk management are:

- To develop an understanding of ORV-specific risk issues that can be used in risk planning.
- To develop risk management processes that can be applied to ORV areas and trails used by ORV users.
- To foster pro-active planning for safety.
- To provide protection for land managers against litigation.

The key **recommendations** are:

- 1.01 Develop a Master Risk Management Planning Kit that can be applied and tailored to individual ORV Areas and designated trails.
- 1.02 Develop a Risk and Liability information kit for riders including advice about personal accident insurance, income insurance, ambulance cover etc
- 1.03 Develop a Trails Planning /Design / Signage Kit to maximise user satisfaction, reduce risk.
- 1.04 Develop Management Plans for existing ORV areas to reduce risk of injury and litigation.
- 1.05 Encourage adoption of Adventure Activity Standards principles by riding groups

- 1.06 Commission ICWA or other insurance provider to develop a Third Party Personal package for off-road and private property cover.
- 1.07 Explore State underwriting of liability to provide protection to local Shires and Councils
- 1.08 Develop and run a Risk Management, Liability and Insurance Seminar for all land managers, local councils and potential providers and managers of trail riding facilities.

KFA2: Trails Planning

One concept that has received almost universal agreement is that in order to reduce the amount of undesirable trail bike use there has to be more provision made for *managed* use of trail bikes.

The starting point for this is to identify the existing areas and trails where trail bike use can be encouraged, consider the requirements of quantity and type of trails needed and prepare a gap analysis to inform what additional areas and trails are needed.

The **objectives** for trails planning are:

- To identify suitable locations for the managed use of trail bikes in order to provide an attractive alternative to areas where trail bike use should be discouraged.
- To balance the reasonable demand for all lawful types of trail bike riding with the need to protect the environment and the amenity of the community and other recreationalists.
- To develop a continuous process that reflects the dynamics of changing land use and patterns of trail bike use.

The key **recommendations** are:

- 2.01 Develop a 'trails inventory' as the basis for a transition to the concept of designated trails to prevent proliferation of user-created trails
- 2.02 Provide more opportunities for legal recreational riding with a focus on the following:
 - 2.021 Existing ORV areas to be redeveloped with planned facility design
 - 2.022 Two additional metro ORV areas – south metro and east / hills.
 - 2.023 Additional regional ORV areas
 - 2.024 8-10 Small local areas suitable for young riders.
 - 2.025 2 areas suitable for lease to Minikhana clubs
 - 2.026 Designated trail systems that include some limited sections open to Junior licence holders.
 - 2.027 Trails and circuits within ORV Areas for quads only and consider areas or routes suitable for a 'destination trail' for quads.
 - 2.028 Selected public trails as ORV areas so that they can be used by ORV-registered vehicles and junior riders to deliver the destination trail ride concept to family groups.
 - 2.029 Multiple local facilities that are modest in size and construction to attract riders from problematic hot spots, metropolitan and country areas.

- 2.03 With a few clearly designated exceptions (ref 2.026, 2.028), public trails in Western Australia should require the use of a registered ADR-compliant motorcycle.
- 2.04 Development of a permit system – or ‘privilege pass’ – that gives access to more environmentally sensitive land only to those who can demonstrate a preparedness to take special care of the environment.
- 2.05 Where trail impacts need to be further controlled a system of ‘route bookings’ to be implemented
- 2.06 Establish a funding grant to assist commercial operators/local government in the development of commercial or ‘user-pays’ bike parks.
- 2.07 Develop a standardised matrix for the evaluation of riding areas and trails.
- 2.08 Local government authorities to include trail bike riding requirements in Master Trails Planning. This is to include collaborative planning with neighbouring LGAs.
- 2.09 The WA Planning Commission to include recreational trail bike riding in its consideration when acquiring land through the Metropolitan Region Improvement Tax.
- 2.10 Establish key trial sites to demonstrate principles of good design and management and assess impacts on rider behaviour.

KFA3: Managing for Sustainability

The focus on strategies for sustainability includes governance, land and trail management, noise regulation and evaluation.

The **objectives** for managing for sustainability are:

- To develop a governance model that ensures a whole-of-government approach.
- To ensure formal, transparent and disciplined management practices at all operational levels
- To define limits of acceptable impact and manage use within those limits.
- To develop trails that riders will want to stay on.
- To reduce noise impacts in rural and residential settings.

The key **recommendations** are:

Governance

- 3.01 Establish a Ministerial Taskforce, a new Off-Road Vehicle Advisory Committee, Program Manager and a broad Reference Group to provide governance and mandate across government.
- 3.02 Ensure that impacted agencies are adequately resourced to undertake the required tasks.
- 3.03 Create Local Management Committees to manage individual ORV areas. Develop a Terms of Reference and Management Guidelines for these Committees.
- 3.04 Guidelines for the use and management of tracks to be developed by DEC in conjunction with riders and associations such as RTRA and Motorcycling WA.

Land And Trail Management

- 3.05 Identify and designate certain trails as trail bikes only to reduce user conflict.
- 3.06 Develop a standardized Trail Development Planning Kit and a course on designing and maintaining off-road vehicle areas and trail systems for Land Managers.
- 3.07 Adopt the International Trail Marking System and the Department of Environment and Conservation's Signage Guidelines.
- 3.08 Develop a trail booking system for particular tracks and trails with the functionality to capture maintenance issues from riders on the trails.
- 3.09 Develop parking / unloading areas and create facilities that will attract users into approved areas.
- 3.10 Work with trail bike clubs and associations and other groups to create volunteer programs to maintain trails and improve access.
- 3.11 Establish visual trail monitoring and traffic counting with a series of collection points for trail monitoring purposes.

Noise

- 3.12 Consider noise reduction solutions such as buffers and placement when designing ORV areas and trail systems.
- 3.13 "Less sound, more ground" campaign to educate, inform, raise awareness and change rider behaviour relating to noise emissions.
- 3.14 Noise testing at ORV Areas and rangers equipped with noise meters and trained in their use.
- 3.15 The maximum noise levels permitted under the CV(OA)A regulations reduced and aligned with those of competitive motorcycles as regulated by Motorcycling Australia.

- 3.16 Aftermarket exhausts to be rated. Those that do not comply to an acceptable limit should not be allowed to be sold in WA.
- 3.17 Fines to be issued for all offences after initial written warnings.

Evaluation & Strategic Planning

- 3.18 Establish limits of acceptable impact on a per-area basis.
- 3.19 A formal evaluation program to be developed to assess results and impacts of the various initiatives.

KFA4: Changing Behaviours

The success or failure of these recommendations will depend on the degree to which they are implemented and *adopted*. This is especially true in the area of trail bike rider behaviour and the ability and willingness of the riders to behave within the regulatory and non-regulatory framework set out.

Programs are proposed using community based social marketing, education, self regulation and community cohesion and finally enforcement.

The **objectives** for Changing Behaviours are:

- To increase responsible, legal and minimal-impact trail riding behaviours.
- To provide clarity and information to affected stakeholders that results in positive behavioural changes .
- To more effectively provide enforcement of current legislation.

The key **recommendations** for Changing Behaviours are:

Education

- 4.01 ORV Registration Kit covering details about each ORV Area, safety, clubs and associations, minimal impact trail riding and the trail bike riding code of conduct.
- 4.02 Information about the off-road riders' code of conduct and minimal impact trail riding to be incorporated in the motorcycle learner's handbook.
- 4.03 The 'privilege pass' (Ref: 2.04) requires attendance of an accredited course and examination to assess the rider's knowledge of minimal impact riding.
- 4.04 Develop a "Back on Track" website as an interface between trail bike riders, land managers and interested community members. Hosts interactive riding area selection, maps, permit system, trail capacity control system and relevant information.
- 4.05 ORV industry be encouraged and if necessary incentivised to develop a purpose built off-road rider training centre.

- 4.06 Memorandums Of Understanding be developed between peak bodies of all trail users.
- 4.07 Encouragement is required for commercial training providers to establish services and programs.

Junior Rider Education Programs

- 4.08 ORV Registration Kit for Junior Riders including an interactive CD-ROM.
- 4.09 Junior Riders section of the “Back on Track” website.
- 4.10 School programs to be conducted by industry associations, clubs, trail ambassadors.
- 4.11 Junior Riders License – learning materials and online test.

Non-Riding Parent Education Programs

- 4.12 Information for Parents in the “Back on Track” website.
- 4.13 Information (DVD, brochure) available from industry associations, clubs, bike shops.

Industry Education Programs

- 4.14 Industry leaders involvement in the Off-Road Vehicle Reference Group.
- 4.15 Accreditation program for dealers who demonstrate an understanding of the legal, social and environmental issues.
- 4.16 Special attention in both rider education and enforcement should be targeted at the “Chinese import” industry segment focusing on noise and rider behaviour.

Community Programs – Building Support

- 4.17 Representatives from environmental groups, land managers, local government and other trail users involvement in the Off-Road Vehicle Reference Group.
- 4.18 Develop a “Hot Spot Register” reporting and response facility for the general community.

Enforcement

- 4.19 A Law Enforcement Plan to be developed with the Local Management Committees developing local versions of the Law Enforcement Plan for their own area.
- 4.20 Formation of a specialised ORV Compliance Unit to more efficiently conduct rotating enforcement patrols of problem areas with Authorised Officers or ‘Honorary Inspectors’ as provided for under the Control of Vehicles (Off Road Areas) Act 1978.
- 4.21 Relevant legislation be provided with the ability to delegate enforcement authority consistent with S38 of the Control of Vehicles (Off Road Areas) Act 1978.
- 4.22 All ORV vehicles be registered to assist with identification and therefore enforcement.
- 4.23 Deeming provisions, where parents are required to take legal responsibility for the actions of their children, are required.

- 4.24 The range of penalties to be increased and include Community Service, increased fines, bike confiscation.

Self Regulation & Cohesion

- 4.25 Trial a rider/ user volunteer program in one ORV area.
- 4.26 Local trail bike riders to be members of Community Management Committees for each ORV area and trail system.

KFA5: Registration and Licensing

Many of the recommendations made in this Strategy rely on a framework of registration and licensing in order to differentiate what can and cannot be done by whom, where and with what. The recommendations made under this Key Focus Area are considered broad and directional rather than definitive.

The **objectives** for Registration and Licensing are:

- A consistent legislative framework that provides clear boundaries around acceptable behaviour in relation to the use of off-road vehicles.
- Increased flexibility to match the differing levels of access control required with an appropriate scale of license and registration levels.
- Focus on both control *and* enabling legislation.
- Achieving the above with the least possible amendments to existing legislation.

The key **recommendations** are:

Control Of Vehicles (Off-Road Areas) Act 1978

- 5.01 Make ORV registration compulsory for all recreational vehicles that are not A Class or B Class registered - mandatory ORV Registration at point of sale
- 5.02 Increase Registration fees and implement a sliding scale based on vehicle capacity
- 5.03 Insert provisions on alcohol consumption in line with the provisions of the Road Traffic Act
- 5.04 Prohibit the carrying of passengers unless the vehicle is specifically designed for the purpose and the original as-manufactured equipment, eg pillion seat, pillion footpegs are in place.
- 5.05 Direct that registration fees are to be used for ORV facilities and trails development and maintenance, fines and infringement fees are to be used for enforcement programs
- 5.06 Clarify that ORV areas can be designated to include specified trails, (excluding the area either side of the trail) and not just land areas defined by administrative boundaries.

5.07 Increase penalties, emphasising those offences likely to cause damage or excessive noise

Licensing And Registration

5.08 Create a new Extended B Class Registration for off-road use by ADR compliant trail bikes (but without the requirement of fitting specific ADR gear for registration)

5.09 Develop a Third Party Personal premium model to suit the extended B Class Registration and ORV Registration

5.10 Incorporate ORV registrations into NEVDIS database for theft recovery

5.11 Enable authorised officers to sell ORV registration on-site

5.12 Develop process for ORV registration at point of sale

5.13 Improve information about ORV registration options at industry and consumer level

5.14 Initiate and promote a six month amnesty on ORV Registrations. Increase on-site registration checking and create communication materials to ensure the message gets across to riders

5.15 Replace ORV registration plate with sticker system.

5.16 Explore technologies such as RFID for tamper-proof vehicle identification

5.17 Better data extraction of ORV registrations for facilities planning purposes

5.18 Conduct a comprehensive study into the Junior Riders' Licence (Early Learners' Permit) concept.

KFA6: Funding Models

Clearly for the recommendations in the previous Key Focus Areas to be implemented a recurrent funding stream is required to sustain the programs and their management.

The long term objective should be to establish a system that can in time be financially self-supporting, but there is much catching up to do following years of financial neglect.

Accordingly it is not seen that, at least in the short term, the objectives of the Strategy can be met without substantial initial investment from the State Government.

The **objectives** for funding are:

- To devise a sustainable funding model.
- For the funding to be sourced and managed at a whole-of-government level.
- For the level of funding to be appropriate to the level of need .
- To address the previous funding inequities.
- To leverage a user-pays funding model.

The key **recommendations** are:

- 6.01 Cost Estimates for the various projects to be prepared and a submission made to the State Government for non-recurring funding to get ‘back on track’.
- 6.02 An “Off-Road Vehicle Trust Fund” to be established by the state government and administered by the Off-Road Vehicle Ministerial Taskforce. Licence fees, revenue from fines and infringements and State and Federal grants to be allocated to the fund.
- 6.03 Explore:
- a. at a national level the fuel tax scheme with a view to establishing a federal grant scheme for off-road trail construction and maintenance.
 - b. opportunities for industry contributions such as sponsorships and a ‘conservation levy’
 - c. a model for a standardised subsidy rate per kilometre of trail maintenance which is made available to volunteer organisations on application.
- 6.04 The LotteryWest Trails grant funding be expanded to include all trails.
- 6.05 Introduce an ‘area use’ fee for those areas where facilities are provided and where trail maintenance is carried out on a regular basis.
- 6.06 Local Government initiate a shared funding system facilitated and managed by WALGA.
- 6.07 Creation of an ORV Grant Scheme that can be accessed by local governments, local communities and off-road vehicle bodies and is managed by the ORV Advisory Committee.

THE RISKS OF INACTION

In Western Australia there are many other recreational, social and environmental issues competing for prioritisation. Getting trail bike usage ‘back on track’ will require a significant commitment of time and money, and will inevitably require some compromises that stakeholders will find unpalatable.

So it is important to consider what are the consequences of doing nothing, or of only making a half-hearted attempt at addressing the myriad issues raised in this report.

Environmental consequences

With the growing number of riders placing increasing pressure on the dwindling number (and size) of places to ride it can be expected that trail bike riders will continue to disperse into local bushland areas. The consequence of this is significant long term damage to the environment through accelerated degradation of ecosystems, the diverting of conservation resources into rehabilitation works, frustration of conservation efforts and potential disillusionment (and loss) of volunteers.

Social consequences

With nothing to attract riders away from inappropriate areas there is little likelihood that they will simply decide not to ride. An escalation in inappropriate or incompatible use can be anticipated, along with increased conflict between trails users, increased complaints by neighbours, displacement of conforming land uses and increased frustration and stress of land managers. By further marginalising trail bike riders it can be expected that there would be an increase in anti-social behaviour, which will require an increase in enforcement, which in turn diverts resources away from other community priorities. With a lost opportunity for this popular form of recreation there will be less recreational participation and lost opportunity for the benefits that accrue. Without the critically needed attention to ORV design and risk management issues, preventable injuries and deaths will occur.

Economic consequences

The cost of enforcement will be a growing burden on land managers (private and public). Executive attention represents a significant opportunity cost and this would increase in the absence of a coordinated approach to the issue. Trail conflict could have a negative impact on business opportunities, eg Bibbulman Track. Insurance claims and litigation directed towards land managers can be expected to increase, and this will have a flow-on effect to the community through the passing on of higher insurance premiums. Land rehabilitation costs will increase (prevention is usually less expensive than cure). Fixing the problem later when it is bigger and even more urgent will cost substantially more.

Political consequences

The community has an expectation of government at all levels to address community concerns. DEC's reputation as a defender of the environment will be negatively impacted. The police, local government and state government will come under increasing pressure from resident groups and it can be expected that all sides of the issue will progressively become more organised and determined to effect change.

An incomplete solution

Attacking the issue with anything less than a comprehensive approach is not likely to achieve results, as each Key Focus Area identified in the Strategy relies on the support of the others.

This is not to say that everything can be achieved at once. This is a problem that has not had serious attention in thirty years and it is not going to be solved overnight. But the sooner we start...

INTRODUCTION

OHV³ activities, like all other recreational activities must be managed. It is clear that OHV use is not a passing fad that will slowly lose its allure. We have areas where the resources are being impacted and virtually all of these impacts can be traced to a lack of management. In areas where active management is being applied, experience clearly shows that OHV use can be managed, resources protected, and the OHV enthusiast can have a satisfying recreational experience.

Management Guidelines for OHV Recreation, Tom M. Crimmins in assoc with NOHVCC, US

Nearly thirty years ago - on 12 December 1978 - Western Australia's Control of Vehicles (Off Road Areas) Act 1978 was proclaimed.

The new controls were needed at the time because growth in popularity of motorised off-road recreation had increased substantially, developments in vehicle technology meant that motorcycles, buggies and four wheel drives were more capable of getting further 'off the beaten track', urban areas were expanding and the population was becoming more aware of the fragility of the environment.

Like its counterparts in other jurisdictions the intentions of this Act were to:

- protect natural resources and ecosystems
- separate conflicting uses
- promote user safety
- within the above constraints, provide optimum opportunity for recreation on state-owned lands by ORV users
- facilitate the development of ORV facilities by local government and the private sector
- provide a mechanism for responding to changing circumstances in relation to the use of ORVs

Eight areas were initially designated as Off-Road Vehicle Areas under the Act.

Fast forward to 2007. Our population has increased by over 64%. We are more active, and seeking a more diverse (and often more extreme) range of pastimes. Motorcycles are lighter, handle better, start easier, generate more power and are generally much more fun to ride. Quad bikes (virtually unheard of in 1978) have introduced a whole new market to off-road riding. And many of the young trail riders from 1978 are now re-entering the market as their stage of life and disposable income move into favourable alignment – and increasingly they are bringing their families with them. All of this is reflected in the booming sales of off-road motorcycles (up a massive 66% between 2004 and

³ OHV is an American Term for Off-Highway Vehicles which in Australia are termed ORV or Off-Road Vehicles.

2006 – which had already seen big increases since 1978 – without even accounting for the growth in Chinese imports).

Against this backdrop of a rapidly growing recreation we are seeing an equally rapid urban spread, bringing residential areas into close proximity to ‘traditional’ riding spots. Rather than keeping pace with the growth in ORV use there has actually been a significant reduction in designated Off Road Vehicle areas – from eight in 1978 to just four in 2007. The lack of designated areas has contributed to a proliferation of unofficial, and often illegal, riding areas. These are causing increasing community concern over noise, safety, environmental damage and general nuisance.

The availability of cheaper ‘fun bikes’ and quads imported from China has made trail bikes an impulse purchase for many families. Like the ‘Christmas puppy’ there is often too little thought given to responsible use, including where they will be ridden and how they will be transported. As a result there has been a disturbing increase in illegal riding on streets and in suburban parks and reserves.

While all non-road registered off-road vehicles that are used in public places are supposed to have ORV registration, the reality is that only a small minority have. This causes difficulty for those charged with the responsibility for enforcing the Off Road Vehicles Act as there is often no way of identifying or tracing an offender.

Areas available to licenced riders riding registered bikes are also coming under pressure - from tightening controls on recreation in water catchment areas, disease risk areas, the closure of old logging tracks, the development of dedicated trails for non-motorised purposes and the increasing number of people choosing to move to the bush for the tranquillity of a rural lifestyle. This is creating significant tensions between trail bike riders and other bush and public land users.

Clearly, somewhere between the 12th of December 1978 and the present day the system has gone off track.

There is, unfortunately, no quick fix and no single solution that will address all issues. Liability, funding, conservation, land availability, legislation and rider behaviour are all intertwined. There are many stakeholders involved which further complicates the pursuit of solutions.

The good news is that there is now a real recognition among stakeholders that urgent action must be taken to get the management of off-road vehicles back on track. Non-riders agree that opening up more areas for trail bike riding is a vital element in a sustainable solution, and riders agree that being environmentally and socially aware and responsible is a vital element as well.

It’s a good time to harness this willingness to cooperate, so this Strategy aims to articulate the various issues and propose a collection of concepts that together comprise a systems approach to management.

This is, of course, just the start of a journey that will take some time. Together we can create a new and sustainable future for off-road vehicle use that will still be robust in another thirty years.

PART 1: SURVEYING THE LANDSCAPE

The current trail bike riding situation in Western Australia

1. COMMUNITY CONCERNS
2. ABOUT TRAIL BIKE RIDING IN WA
3. TRAIL BIKE RIDER CONCERNS
4. STATE OF THE NATION
5. THE INTERNATIONAL EXPERIENCE

COMMUNITY CONCERNS

Whilst trail bike riding is a recreational activity enjoyed by an ever growing number of Western Australians, this increase in participation is putting pressure on the availability of lawful places to ride. As residential areas are expanding there are fewer trails available and the community is raising concerns around noise and impacts to the environment as well as the conflict between all users of tracks and trails.

The concerns shown and discussed here were indicated in the community survey and from consultation within the community.

The following were the most common issues raised:

What problems have you encountered with trail bikes and/or trail bike riders?		
Riding unlicensed bikes on suburban streets	Safety issues for other trail users	rude, unthoughtful, aggressive and arrogant attitude – no respect for others
environmental damage	fear of being run down	Disturbance to fauna
bringing in weeds and dieback	Damage to mountain bike trails	frighten horses
Rubbish	Lack of enforcement	erosion
illegal riding on walking tracks	anti social behaviour - hoons	Riding in beach areas
Dangerous / reckless riding	Riders on Bridle Paths	lack of identification
Noise, disturbing the peace	riding over dune vegetation	creating new tracks
Vandalism to signs	No respect for cars	Accidents and injuries
Pitbikes on local ovals	Fire hazard from sparks	riding on vacant land
coming onto private property without permission	No response from complaints by authorities	Complaints bounced from shire to police and back

These can be categorised into the following main Community Concerns:

Noise	Trail Conflicts	Environmental Impact	Trail Damage
Enforcement difficulty	Illegal activities	Nuisance	Injuries
Liability	Land Management	Lack of coordination	Lack of places to ride

NOISE

Noise is one of the most tangible outputs from trail bikes and is one of the most common causes of community concerns and complaints⁴. This is particularly the case for residents who live near trail bike “hot spots”, areas where riders ride around and around rather than passing through, unloading areas or who have trail bike riding neighbours.

Trail bike riders as young as 6 years old terrorize our way of life. Noise levels from as many as 5 motor bikes at a time exceed 74dbs under the main roof of our house. The neighbour has allocated 2 1/2 acres of their block to their own child and anyone else who chooses to join him on the circuit they have constructed for the purpose of motor cross entertainment. Very loud and very fast motor bikes pass our door as frequently as every ten seconds for at least 2 hours at a time just about every weekend and every other week day during fine weather. We have endured the noise for as long as 5 hours at a time and as late as 8pm during last summer. Not soon after the kids next door stop riding their bikes then the kids a few blocks away start riding. In the Chittering Valley where we live the noise is amplified as it intrudes on the otherwise tranquil environment so it makes little difference if the bikes are 30 metres away or 500 metres away the noise is just as ear piercing. Request to the parents of these inconsiderate children falls on deaf ears, one parent told me to sell my house and leave if I don't like it.

Trail bike noise also factors greatly in loss of enjoyment by other trail users – although most acknowledge that the noise helps them know that trail riders are on the track. The noise of trail bikes scares horses on tracks and disturbs other native fauna.

As horse riders we often have young children and young horses out riding. We have come into contact with some trail bikers who do not realise that many horses react adversely to the noise and presence of trail bikes. Most of the trail bikers are very understanding and stop and switch off their engines, others just hoon past us (kick up the gravel) and we are left to pick up fallen children and runaway horses.

While noise can be disruptive in any circumstances, most complaints arise because the noise is a combination of excessive, persistent and/or incongruent to its setting.

4 The 2005-06 Local Government Noise Survey Report ranked complaints relating to Trail bikes and off-road vehicles 6th behind barking dogs, stereos, construction, birds and musical instruments. Trail bikes constituted 5% of noise complaints received.

NOISE LEVEL

All motor vehicles emit sound. The way sound is perceived by humans is a function of the level at the source and the distance of the hearer from the source. So what we perceive to be ‘excessive noise’ occurs when a bike is too loud and/ or too close.

Allowable noise emissions for registered motor vehicles (including motorcycles) are prescribed in the Australian Design Rules which have since 2005 been aligned with prevailing international standards.

There are two ways of measuring the sound level of a motorcycle – the ‘stationary sound emission level’ in which a sound level monitoring device is placed at a set distance from the exhaust outlet while the engine is revved at a set speed, and the ‘drive-by’ test in which the sound is measured as the motorcycle passes at a set speed. The Stationary test is more accurate, but the ‘drive-by’ test better resembles real-life situations.

The following table outlines the current maximum sound emission levels for various applications:

Motorcycle Manufacture Date	Engine cylinder capacity (cc)	Maximum ‘Drive By’ level dB(A)	Maximum stationary level dB(A)
Prior to 1 March 1985 (Registered m/cycles)	<125	82	100
	125-500	84	100
	>500	86	100
March 1985 – 2005 (Registered m/cycles)	<80	77	94
	80-175	80	94
	>175	82	94
2005 – (ADR 83/00) (Registered m/cycles)⁵	<80	75	N/A ⁶
	80-175	77	N/A
	>175	80	N/A
Competition motorcycles 2007	All	N/A ⁷	102
Competition motorcycles 2008	All	N/A	96
Off Road Vehicles Act WA	<170	N/A	107
	>170	N/A	110
	Non-motorcycles	N/A	104

⁵ New ADRs are not retrospective, so all motorcycles first registered before 2005 will only need to comply with the older permissible levels.

⁶ ADR 83/00 does not have a maximum stationary noise level. Manufacturers will provide a stationary ‘signature’ or reference noise level to indicate its ‘as new’ stationary noise level.

⁷ Competition motorcycles use stationary measurement. It is more accurate as it eliminates many of the variables of drive by testing.

From the preceding table it can be seen that the maximum permissible sound level for an Off Road Vehicle in Western Australia is significantly higher than the allowance for competition vehicles and over twice as loud as permissible for registered vehicles.⁸ A jackhammer at a distance of 1m typically measures 110 dB and a major road at a distance of 10m typically measures 80-90 dB⁹.

This wide discrepancy between what is permissible in a designated Off Road Vehicle area and what is permissible outside such an area has the potential to create significant problems:

- Importers of 'fun bikes' which are only allowed to be ridden on private land or ORV areas have no incentive to ensure that noise emissions are kept below the ORV Act levels.
- A person who legitimately only uses his or her loud (say 107 dB) motorcycle in an ORV area may sell that vehicle to a person who subsequently uses it outside the ORV Area.
- Distributors and retailers of aftermarket performance exhaust systems can claim a legitimate market for products delivering sound levels up to 110 dB, making it difficult to secure widespread industry support for voluntary self-regulation.
- It sends a confusing and conflicting message to riders

The distance from source is a major factor in perceived sound level – the noise of a trail bike decreases rapidly with distance.

The techniques used to measure sound further complicate the issue. Australian Design Regulations use the drive by method, Motorcycling Australia uses a static method derived from European Standards, and the American Motorcycle Association uses a static method derived from Society of Automotive Engineers. All give a different result for the same machine. Importers of after-market exhausts may therefore import an exhaust believing it to comply with maximum sound levels when in fact it does not in Australia.

INCONGRUENT NOISE

The sound level of trail bikes in itself is not the problem. The problem lies in the irritation that trail bike noise creates.

This varies according to circumstance, with a key factor being the incongruity of the setting.

The general level of background noise is a key factor in the perception of sound. The quieter the setting the more noticeable any noise will be. This accounts for the heightened sensitivity of

⁸ Decibel level is a logarithmic unit of measurement. An increase of 10 dB represents a doubling of sound pressure levels.

⁹ Wikipedia / Sound Pressure Level Decibel Table: William Hamby 2004

walkers, horse riders and cyclists on trails, and of rural residents generally, for whom much of the attraction of the bush is its serenity. This incongruity is highlighted by the fact that even in remote settings the ambient background noise can be significant – 60db is not unusual for wind, bird and wildlife noise for example –but a trail bike some distance away which cannot be measured can still be heard.

In urban areas, awash with the sounds of barking dogs, lawnmowers, aircraft and traffic, the sound of trail bikes can trigger complaints when they are heard in early morning or late at night.

PERSISTENT NOISE

The key predictor of noise complaint doesn't appear to be either sound level or incongruity of setting. The key predictor of noise complaint appears to be the persistence.

“Once upon a time there were no trail bikes in the bush and we enjoyed our weekends. Then some time ago it used to be just on Sundays that we would hear bikes, but it is now Friday, Saturday, Sunday – ranging anywhere from sunrise to sunset.”

Most people are reasonable. A bushwalker is not likely to complain about noise if during the course of a day's quiet walk there are a few short periods where the sound of trail bikes is heard. But the same walker would have legitimate grounds for complaint if the entire day was accompanied by the sound of trail bikes spoiling the tranquility of the setting. Similarly the traditional rural soundscape is often punctuated by the sounds of chain saws, tractors or other machinery. If any of these occasional sounds were to become constant they would become irritating.

“Some members of the community will not be happy with any trail bike riding in hearing distance to their property however, I think that some gardening equipment is just as loud as trail bikes and tolerance should be shown from both sides.”

Of course once we are sensitised to a sound we tend to notice it more. So what starts out as benign and incidental, eventually becomes increasingly irritating. With the number of riders increasing each year this may account for the growing resentment towards trail bikes in many identified 'hot spots' where trail bike use is prevalent.

It is possible (although not actually tested) that the desire to be rid of the noise is a motivating factor in many of the non-noise related complaints levelled against trail bikes. This is not to suggest that those other issues don't exist. They do, but they may also be used as justification of a complaint which has its real roots in the personal irritation that noise creates. If this is the case then it means that noise is actually a bigger issue, relative to others, than would appear from the data.

The problem of noise in rural settings is not limited to public spaces. While many people choose a rural lifestyle for the tranquility, there are others who choose to live on larger properties so that they and their kids can have the space to enjoy their motorised toys. This legal use on private property has the potential to confuse the issue, particularly if a complainant simply assumes that the noise that they can hear is being caused by illegal use of trail bikes.

Persistence of trail bike noise has several causes:

1. Circuit-style tracks near residential areas
2. Riders remaining within a short distance of parking / unloading areas
3. Use on private property
4. Regular use of trails that run close to boundary fences

The noise impacts on residents can be considerable and with the expanding rider base, can occur for prolonged periods (often the entire weekend).

I am fed up with the disruption and noise caused by the bikes NOISE NOISE NOISE

TRAIL CONFLICT

Conflict between trail users is a major problem. Trail bike riding is generally not compatible with trail users such as pedestrians (walkers, hikers, backpackers and runners), equestrians and cyclists and 4 wheel drivers.

There is considerable concern from walkers, mountain bikers and horse riders about sharing trails with trail bike riders and illegal use of trails designated exclusively for these other pursuits.

The concerns raised by other trail users are for their safety ie fear of collisions, trail bikes degrading tracks and making them unsuitable for other uses, horses being spooked by the noise, being sprayed by dirt and gravel as bikes go past and a general lack of consideration by trail bike riders for other trail users. Walk and cycle trails are not designed with trail bikes in mind (so impacts can be high) and users are not expecting trail bikes to be present which heightens the adverse impact when encountered on the trail.

“The main problem I have is trail bikes riding on Mountain Bike (mtb) trails which have been designed and built for mtb and not large motorised trail bikes. As mtb trails are narrow with tight turns, the trail bikes spend most of their time stop starting and destroying the trail, which questions why then do trail bike riders continue to ride mtb tracks. In addition they also do not consider to think that an mtb rider might be on the trail and do not slow down or make any allowances for them. As you can hear a trail bike I always get off the track and stop until the trail bike has passed as I have almost been cleaned up 5 times this year alone. This inconsideration really annoys me and creates a lot of tension between mtb and trail bike riders.”

There was an acknowledgement that many trail bike users did respect the rights of other trail users by either pulling over and turning off their engines or throttling back as they passed – but that this was spoilt by those who rode irresponsibly. There was also an acknowledgement by many that this situation arose because trail bike riders did not have their own trails and so were forced to use other trails.

Without separate trail bike trails, trail bikes venture off the public road network, utilising walking tracks and picnic and camping areas. The impact of this illegal off-road riding is increasing conflict with passive recreational users.

“I ride mountain bikes and trail bikes. The main problem I have encountered is the reckless way SOME trail bike riders ride. I believe this is really only a problem in mixed traffic areas (bikes, walkers, trail bikes...). Believe this is caused because trail bike riders are forced to use mixed traffic areas because there are very limited areas where they can legitimately ride. The major problem with any hassles in any mixed traffic areas (trail bike - mountain bike) (mountain bike - walker) is the lack of respect they show each other.”

“I believe the Gnangara pines are supposed to be divided up into different areas for different recreational purposes i.e. an area for bikes and an area for horses. I ride my horse in the area I think is supposed to be for horses, but there are always trail bikes using the trails. Most times the bike riders are courteous, you get the occasional one who either doesn’t know how to drive past horses or doesn’t care. Most times it is fine if I keep to the wide roads. However, I won’t ride on the narrow tracks anymore because of the probability of coming across a trail bike. Most times you can hear a bike but it can be difficult to pinpoint exactly where the bike is. You generally won’t see it until it is almost upon you and then you can have a horse freaking out and depending on the trail possibly nowhere to get out of the way, if you have time. It would be much better if the trail bike riders stayed in their own area. I am happy to stay out of their way and not ride in their area. I can’t say that I have seen many, if any, signs about what is permitted.”

Conflicts usually fit into either of three categories: *direct* conflicts (usually ‘frights’ arising from meetings on trails), *rights* conflicts (where walkers or mountain bikers rightly assume that they are on a trail exclusively for their use) and *ideological* conflicts (relating to some trail users’ philosophical objections to motorised trail activities). This often relates to the conflicting groups perceiving the other as having radically different motives, which international research indicates is not usually the case¹⁰.

Unloading Areas

Unloading areas are where riders park their cars and trailers to unload their bikes. Generally, trail bike riders unload their bikes as close to the forest fringe as possible to minimise time spent towing trailers over unsealed roads. This often brings them into close proximity with rural residents and other recreationalists, who are then impacted by the noise associated with trail bikes unloading and warming up.

Other popular trail bike unloading areas are campgrounds or picnic areas within the forest. The arrival of trail bikes unloading and warming up can significantly impact on the quality of the recreational experience of campers and picnickers. This issue is exacerbated by some riders who make impromptu circuits in or close to the unloading area instead of heading off into the trails.

Loss of social values

The following is a summary of social impacts from the Off-Road Vehicle Summit, Workshop Report by CALM (now Department of Environment and Conservation) in 2006.

- quietness & tranquillity
- appreciation & quiet enjoyment of nature
- less sense of security/safe environment
- loss of sense of place
- loss of remoteness/naturalness

¹⁰ Mountain Bike Management Guidelines – WA Department of Environment and Conservation

ENVIRONMENTAL IMPACTS

The Community Survey for this project found that many members of the community are concerned about possible environmental damage caused by trail bikes. A number of detailed submissions were also received from individuals and organisations.

This section follows the same structure of environmental impacts as provided by the DEC Off-Road Vehicle Summit, with inclusions from the Community Survey.

Landscape issues

- **Erosion** - soil stability, alteration to drainage patterns and deterioration of water quality
- **Turbidity** – water quality & water course destruction
- **Damage to rehabilitated areas**

“I belong to a Friends Group responsible for looking after bush land in Glen Forrest. In 1996 we worked for 9 months to remove rubbish from the area (a dump for some 50 years). Have subsequently revegetated with help from the local Primary School children; have treated areas for dieback etc. Trail bikes, beach buggies and quad bikes race through the area flattening plants on the edge of the firebreaks and walk trails. They make their own "humps", do wheelies and generally mess up.”

- **Fire** – Off-road riding of trail bikes can present a bushfire risk, as there is potential for sparks from hot exhausts to ignite flammable forest fuels under certain circumstances. This is particularly a concern when trail bikes illegally venture off-road into the dry understorey during the drier months. The frequency of such events is not well documented.
- **Damage to geomorphic features** - impact on geoconservation values such as limestone areas, dunes and peatlands
- **Impacts on other land-use issues** (bee-keeping, water, forestry, tourism)

Flora issues

- **Plant disease spread** - Of major concern in Western Australia is the risk of dieback spread. The disease is spread naturally by water movement through the soil as well as artificially by the transportation of infected soil and plants. Off-road drivers could unknowingly collect infected soil particles on the tyres and undercarriage of their vehicles and spread the disease to new areas. As part of its disease management and hygiene strategy, DEC has designated a number of ‘Disease Risk Areas’ throughout the south-west of the State. Such areas are signposted and the entry and movement of all vehicles, which could lead to the introduction and/or artificial spread of the disease is restricted and strictly controlled through a permit system.

“Invest more time and resources into cracking down on unlicensed trail bikers and trail bikers accessing DRA and other restricted areas. I have even seen them camped with a caravan within a DRA area from Sat morning to Sun afternoon - 10 adults, 4 kids and the area was devastated where they were. Vegetation crushed, creek banks ruined, litter, bottles, cans, fire ash piles etc.”

- **Direct damage to vegetation** – by riding off trails and crushing and disturbing vegetation. This is also prevalent in dunal areas.

“The bikes being ridden on already fragile, mobile sand dunes will increase the erosion, void the area of vegetation. The vegetation will be trampled & unable to regrow. The sand dunes will continue to blow out due to the sand being disturbed.”

- **Weeds** – introduction & spread

“Spread of diseases such as phytophthora dieback, spread of weeds, complete lack of regard to vegetation or conservation of natural areas, threatened ecological communities and declared rare flora.”

Fauna issues

- **Loss of habitat** - impact on ecosystems and significant communities and species, including threatened species
- **Domestic animals** - introduction/release
- **Disturbance to fauna populations** - Noise is known to have an effect on native animals and birds. Noise may result in native animals and birds vacating noisy areas and is known to disrupt the breeding of some animals and birds. The long-term impacts of varying levels of noise on Australian native bird and animal populations are not well understood.
- disturbance of nesting birds, particularly on beaches

“Noise impacts on animals and birdlife, particularly while nesting. This is critical on threatened species trying to nest.”

Pollution

- **Noise** – previously dealt with as a separate concern.
- **Vehicle emissions**
- **Spills** - hydrocarbons
- **Visual pollution** - aesthetics impact on cultural values, including Aboriginal values and sites, historic sites and wilderness values
- **Litter**

“I think the noise pollution is a shame, but I can deal with that. The amount of rubbish, soft drink bottles, rubbish bags, take-away containers, alcohol is absolutely disgraceful. To be honest, I think trailbike riders need to be responsible with rubbish - I wouldn't have that much of a problem then. I think they need designated areas where cars won't be - and they need to be prosecuted if they don't take care with the environment and rubbish. I wouldn't like to see rubbish bins provided, as that would mean someone then has to maintain them. I'd like people to be RESPONSIBLE for their own mess.”

TRAIL DAMAGE

Related to the issue of user conflicts on shared trails or riders using trail designated for other activities is the concern that the nature of trail bike riding damages or degrade trails which lessens the enjoyment of others and causes trail erosion.

Trail bikes can generate wheelspin under acceleration, side-slip in cornering and rear wheel slip under braking. These forces combined with the weight of the bikes and the aggressive tread pattern of the tyres can loosen the trail surface, creating sandy conditions that detract from the experience for cyclists and walkers.

It is important to note that this damage is not an inevitable consequence of trail bike use as it is possible to adopt low impact riding techniques that can minimise or prevent any impacts. The problem relates more to the way in which trail bikes are commonly ridden.

“Causing severe erosion on tracks used to access private property. These tracks are privately maintained and considerable funds have been put into these tracks.”

“Trail bikes are unlawfully using the Bibbulmun Track which has been set aside for walkers only. Trail bikes have dug up sections of the track, particularly on corners and where track is wet. This creates indentations in the track which make walking more hazardous and detract from the aesthetics of the track. In many cases, erosion control structures are dislodged or damaged by the bikes.”

ENFORCEMENT DIFFICULTIES

The highly mobile nature of trail bikes makes regulating trail riding activities challenging.

Submissions from the community highlighted a concern that little was perceived to be done to enforce the law or to stop nuisance or dangerous trail bike riding. Respondents were also frustrated about the process of complaints and which government agency was responsible for enforcement. Examples were cited of calling the Shire or local rangers and being told to call the police who promptly told them to call the Rangers.

“Both the council and the police seem to be saying they are incapable of controlling the problem. The rangers have little jurisdiction and by the time the police respond, the kids have disappeared. Because the bikes are not registered, it isn't even possible to note a number, as many bikers seem to remove their plates for this reason.”

When Rangers did come riders were able to easily evade officials and without registration plates could not be identified. The community expressed concern with the perceived high number of unregistered bikes and the resultant anonymity of riders which then makes it hard to report individuals and have effective enforcement.

“Because they have no registration plates they are almost impossible to catch or report to the police.”

Most worrying is the trend for residents to take matters into their own hands.

“We have people in our street who ride trail bikes from their home up and down our street an surrounding streets ... We have also seen quad bikes at our local shopping centre & have reported it to the rangers service only to have the ranger service pass the buck to say ring the police & vice versa so I have given up on reporting as I get nowhere when I do report matters. ...a couple of times I have reported people riding trail bikes to our local station giving times, type of bikes and nothing gets done & no warnings given to the offenders as the police used to go and warn offenders & of late refuse to do so. So law enforcement in the northern suburbs of Perth is a joke & no wonder people in the general public do not bother to report as nothing gets done when they do nor do they get a call back to say what the outcome was ... so it's no wonder why people in Clarkson have started up a vigilante group to sort out such matters, sad but true.”

The main courses of action open to residents and other community members are to ring DEC, the ranger, the shire or the police. Some have resorted to petitions, writing to the local newspapers, writing to their MP and taking photos of riders. Some speak to, or attempt to speak to, the riders involved.

“Called Police (not interested). Chased bikes in car (couldn't catch). Waved fist at riders (fingered back).”

Rangers report that they issue warnings, advise riders to move on, issue infringements, patrol areas, educate riders and coordinate specific action involving police/ Rangers.

“As Council's Ranger I have amended Local Laws in relation to Off Road Vehicles, requiring them to be licensed if they are to be ridden on beaches etc, West of Indian Ocean Drive. Published public education articles in local papers, spoken with young people in Leeman and Green Head who have motorbikes and/or quad bikes.”

“Called on riders to stop and motioned for them to approach me. If they do advise them of the penalties applicable under the provisions of the Off Road vehicles Act including seizure of the machines and infringements. Provide them with an Off Road Vehicles brochure.”

ILLEGAL ACTIVITIES / NUISANCE BEHAVIOUR

Residents, other trail users and enforcement officers all report concern and anger over illegal and nuisance behaviour displayed by some trail bike riders. Whilst some recognise that this does not apply to all trail bike riders, many simply see all trail bike riders as law breakers, vandals or “hoons”.

“While some are polite others can be at best be characterised as “hoons” and travel at speed on walking tracks in a manner dangerous to pedestrian users.”

Residents living near riding areas also complain about unregistered bikes or juniors riding up the street or along footpaths to get to the riding area. There are reports of trespass, damaging and destroying fences and gates to access properties.

There is concern over illegal street riding, riders doing wheelies and burn outs, vandalising facilities and signs, ripping up local ovals or sensitive bushlands. There is anger over riders being rude, arrogant and aggressive to residents and other trail users.

“Accelerating past us when out socially MTBing. Deliberately disrupting orienteering events by hiding moving checkpoints, MTB events by moving signs, riding aggressively along trails designated as “walk only”. Destroying recognised MTB trails with excessive wheel-spinning. Dangerous riding with deliberate doughnuts and burnouts next to walkers, riders, picnic-ers. Many many examples of trail bikes riding through creeks repetitively in DRA areas turning the water brown and ruining the vegetation. They have no respect whatsoever for the environment nor any other people out in the forest with excessive and dangerous group riding, spraying gravel deliberately over riders, playing “chicken” with walkers and runners.”

Some members of the community express a lack of tolerance for the activity in general and branded all trail bike riders as “hoons” and all riding as “illegal”. The public see that the younger riders are less responsible and contribute disproportionately to the “hoon” behaviour.

“Problem riders generally younger with no older supervision. Family groups or groups with older riders are mostly OK.”

“Range of people from young and very irresponsible who show no respect when they see others in the bush to older and more respectful riders who slow down when they see other people in the bush.”

Beach Riding

Residents living near beaches and community members involved in dune areas raise issues relating to trail bike and quad riders on beaches. Specific concerns include degradation of the dunes and dune vegetation and dangerous riding around other beach users.

“I live in Geraldton, there are plenty of quad bikes and off-the road bikes on the beach and dunes in Sunset Beach, Drummonds and all the way to Coronation beach. I

strongly believe it is a selfish hobby as for one to "have fun" whoever is around has to hear it, smell and watch it - none of those are pleasant."

"Riding on the beach when there are a lot of children on the beach, not slowing down but I have also so had more considerate ones who slow down and share the beach without endangering anyone."

This was specifically expressed as concern by people from Geraldton, Wedge Island and Singleton Beach but is a wide spread concern in coastal areas.

In addition to these concerns from the general community, there are a number of concerns expressed by community organisations and authorities.

INJURY LEVELS

There are concerns about trail bike riding being a high risk activity with increasing incidence of injury and death. This results in ambulance and rescue costs in remote areas and associated insurance implications. Obtaining specific statistics relating to injuries resulting from trail bike riding is difficult due to the collection and categorizing of the data.

For example information from the Office of Road Safety only relates to crashes reported to police and those on public roads and information from the hospitals^{11,12,13} does not differentiate motorbike type ie there is no specific code for a trail bike, just motorcycle or "quad bike" or clarity around what constitutes a road trauma versus an off-road trauma.

Information has been obtained from Princess Margaret Hospital, Royal Perth Hospital, Lancelin Silver Chain post and the Health Department of Western Australia. Whilst there is not a definitive number of injuries and fatalities, we do have information relative to other activities as a point of comparison.

For the purposes of this report the Office of Road Safety¹⁴ has provided information showing that over the 5 years 2002-2006 there were 6 fatalities and 26 instances of hospitalisation from road crashes involving trail bikes. This only relates to those crashes reported to police and those on public roads, however it does provide some data for the purposes of comparisons with other recreational activities over the same period such as bicycles (11 fatalities, 198 hospitalisations).

¹¹ Inaugural Report of the Western Australian Trauma Registry, Injury Research Centre 2003

¹² Injury in Western Australia, An Epidemiology of Injury 1989-2000, Injury Research Centre

¹³ Trauma Registry Report, 2005, Royal Perth Hospital

¹⁴ Source: Office of Road Safety, using the Main Roads IRIS database.

*Number of road crashes, by vehicle type,
2002-2006*

	Fatal	Hospitalisation	PDO Major	PDO Minor	Total
	n	n	n	n	n
Car	402	6521	76749	24949	127149
Station Wagon	70	997	10670	3522	17799
Utility	95	1169	9791	2949	15956
Panel Van	39	557	5179	1901	8854
Truck	17	144	1612	657	2716
Prime Mover	1	15	78	37	153
Bus	5	84	720	577	1511
Motor Cycle	75	962	931	436	3307
Bicycle	11	198	72	361	1148
Pedestrian	8	78	5	92	301
Tractor	0	11	63	26	110
Scooter	1	3	0	2	8
Motorised Wheelchair	2	3	7	3	20
Pedestrian on Roller Bades	0	0	0	0	1
Pedestrain on Skateboard	0	1	0	1	3
Ridden Animal	0	0	0	6	7
Trail Bike	6	26	2	11	52
Moped	1	14	17	12	55
Multi Seated Van	6	64	598	241	1027
Truck & 1 Trailer	2	34	190	80	333
Prime Mover & 1 Trailer	10	71	429	138	733
Road Train	15	54	290	64	460
Four Wheel Drive (not car design)	40	366	3168	937	5181
Unknown vehicle type	1	63	1058	613	1909
Total	807	11435	111629	37615	188793

JUNIOR RIDERS

Kidsafe WA is the lead non-government, not-for-profit organisation dedicated to the prevention of unintentional childhood injuries.

Kidsafe policy is, and is likely to continue to be, that children and vehicles don't mix particularly well. Kidsafe would prefer that children weren't around vehicles - either in close proximity to vehicles driven by others or riding themselves. However they do acknowledge that kids enjoy a whole range of activities that carry risk and so the main issue is to manage the risk as best as possible. Typically this means ensuring that children are well supervised, are always wearing appropriate protective gear and are riding vehicles appropriate to their age, size, physical capabilities and experience level.

Part of the issue with children and motor vehicles, according to Kidsafe, is that children are cognitively unable to predict consequences. In other words they have the mechanical skills to deal with the vehicle most of the time but when things go wrong they don't know what to do and they can get themselves into serious trouble. Kids tend to take more risks the older they get eg 10 to 14 age group and older where they've gained the mechanical skills but think that they're invincible.

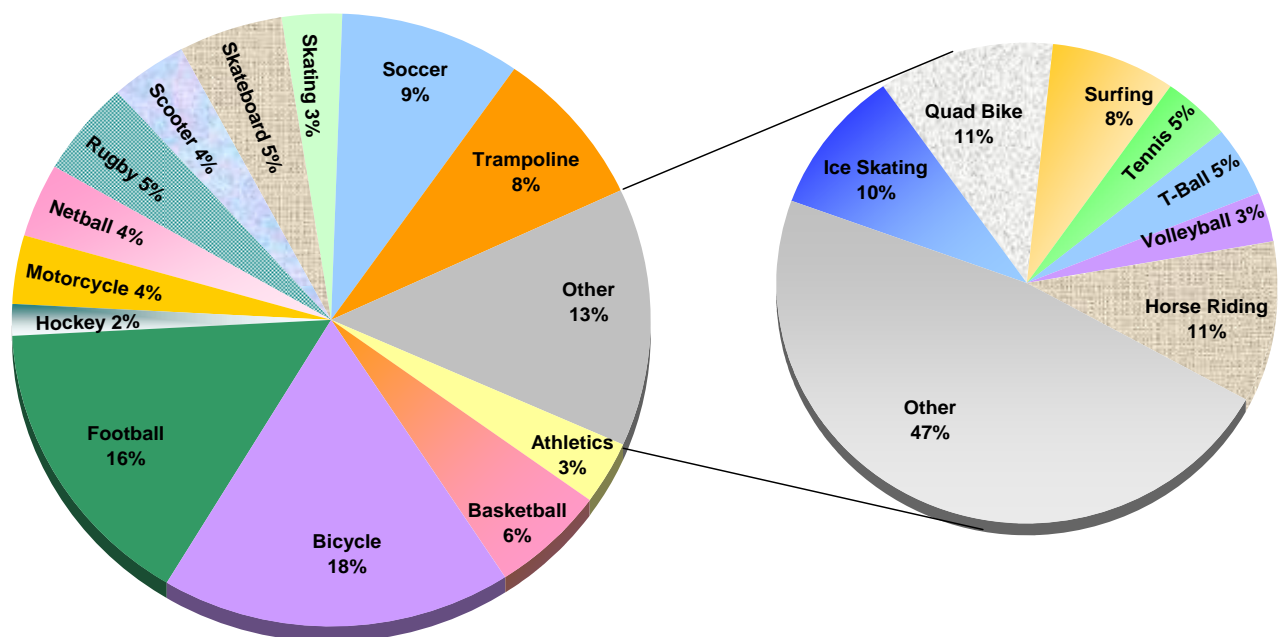
Kidsafe acknowledges that children need to learn these skills in a safe and supervised environment and most importantly they also need to learn the right attitude to the equipment that they're using.

In this regard there are strong parallels with any sorts of water activities, where water is a pleasurable medium for children but if left unsupervised can often have tragic consequences.

Kidsafe estimates that the cost of childhood injuries in terms of direct hospital costs are probably around \$16 million per annum plus the cost of loss of productivity of the parents while caring for an injured child and the ongoing medical and care costs and any compensation costs. There is on top of this the intangible social costs of grief, guilt and disconnection.

A report¹⁵ from Princess Margaret Hospital for Children examines sporting injuries with children. During the period the emergency department saw 49,303 presentations of which 11,947 (24.2%) were due to an injury of which 2,610 (5%) were from a sporting activity. Australian Rules football was the highest, but with other football codes (rugby, soccer, etc) represented 30% of all sporting injuries.

Main Cause of Sporting Activity Injuries Sporting Activity Injuries in Children, Princess Margaret Hospital for Children 2007 June 2006 to May 2007



4% of sporting activity injuries were related to motorcycles (similar to netball, scooters and skateboards) and a further 1.5% were due quads (same numbers as horse riding and ice skating). However injuries from motorcycles were more likely to require hospitalisation than other injuries.

This data does not relate the rate of injury to the rate of participation.

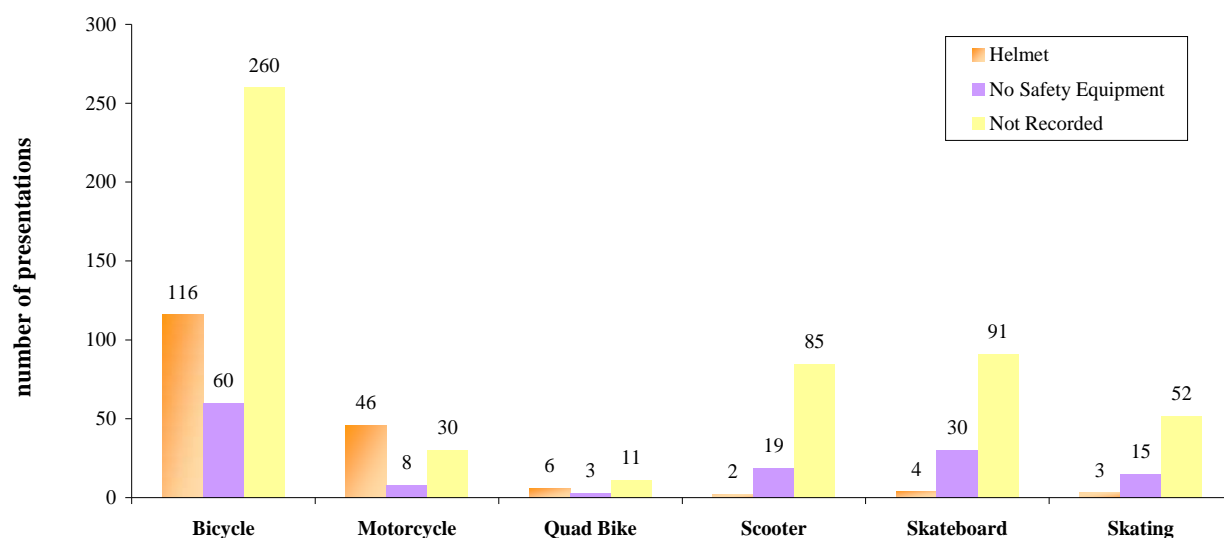
¹⁵ Sporting Activity Injuries in Children, Princess Margaret Hospital for Children 2007

Rate of Admission by Sport Activity

	ADMITTED	HOME
ATHLETICS	12.6%	87.4%
BASKETBALL	8.3%	91.7%
CYCLING	28.8%	71.2%
FOOTBALL	14.6%	85.4%
HOCKEY	11.4%	88.6%
MOTORCYCLING	50.0%	50.0%
NETBALL	7.6%	92.4%
RUGBY	10.1%	89.9%
SCOOTERING	23.2%	76.8%
SKATE BOARDING	26.2%	73.8%
SKATING	19.6%	80.4%
SOCCER	13.9%	86.1%
TRAMPOLINE	22.6%	77.4%

The use of helmets and sporting guards remain significant devices in injury reduction amongst children. Of concern was the impact of not wearing helmets on the rate of injuries.

Usage of Safety Equipment



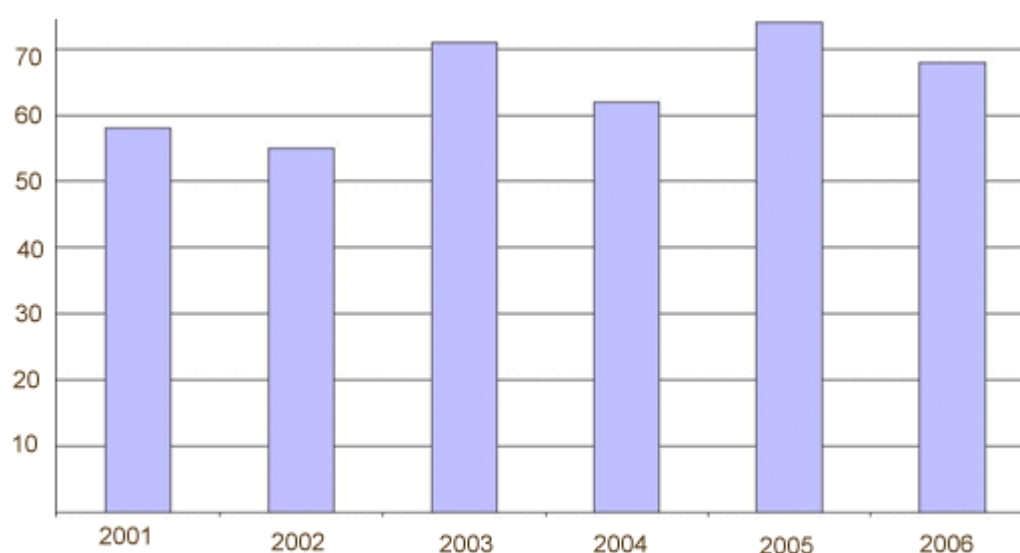
There is a view within Kidsafe that people under 16 years of age really shouldn't ride ATVs but the reality is that particularly in agricultural settings they will do that, so risk management is needed to avoid injuries as far as possible.

Kidsafe acknowledges that there is always a conflict between any form of activity and injury prevention. For example an attempt to prevent all injuries would mean ripping out all the playground equipment from playgrounds. Clearly it's not about stopping children from getting into positions where they could harm themselves, it's more about managing the risks, understanding what the risks are and finding ways to manage and supervise them.

INJURY DATA FROM LANCELIN OFF-ROAD VEHICLE AREA

The most specific data collected relating to injuries sustained from off-road vehicle usage is from the Silver Chain Nursing Centre¹⁶ in Lancelin. Because not all people injured in the ORV area present to the Silver Chain Nursing Centre (LSCNC), and because we do not have the total number of off-road vehicle users in the area, the data is merely an indication of the type of injury, cause and vehicle. However because this data has been collected since 2001 it does provide a useful tool to monitor the pattern and trend of injuries and will be useful in the future when assessing any injury prevention measures undertaken in the Lancelin ORV area.

The following graph shows that the number of people who presented with off-road related injuries from 2001 to 2006 has not changed very much despite the significant increase in ORV use with an average of 65 injuries per year being recorded¹⁷.



Males aged 15-24 (corresponds to same demographic as general injury levels¹⁸) represented 46% of all cases, presentations were evenly divided between quads and 2 wheel bikes and the most common circumstances leading to injury were 'dropping off a dune' and 'losing balance or control' of the vehicle. Observers at the Lancelin ORV area often express concern about "bikes, quads and cars driving everywhere with no managed direction" with the fear of an increased chance of

¹⁶ Lancelin Off-Road Injuries, Lancelin Silver Chain Nursing Centre, Wheatbelt Public Health Unit, 2006

¹⁷ However these figures may not represent the full picture as direct air lifts to Perth have been introduced which are not included here.

¹⁸ Inaugural Report of the Western Australian Trauma Registry, Injury Research Centre 2003

collisions - 6 cases (9%) of injury presentations in 2006 were as a result of 'hit other vehicle', 3 of these were in one collision.

Fractures were the most common injury, followed by superficial abrasions and whilst 21% recorded the suspected use of alcohol/other drugs, 86% were wearing helmets.

“There are a number of on-road safety initiatives being taken by the Office of Road Safety and other peak government bodies. By contrast, almost no attention has been paid to the safety of off-road driving, a burgeoning sport and leisure activity. One major impediment to action is the lack of lead agency willing to take primary responsibility for reducing off-road deaths and injuries.”
Lancelin Off-Road Injuries, Lancelin Silver Chain Nursing Centre, Wheatbelt Public Health Unit, 2006”

LIABILITY

Off-road vehicle use has inherent risks (to riders and others) and there have been a number of serious injuries and fatalities in recent years. Most times the riders will accept that injury is a risk that they must accept. But occasionally, circumstances lead a rider to make a claim for compensation, usually citing a breach of duty of care by the landowner as the cause of action.

Not surprisingly, there is a growing concern by local and state government authorities and land managers over the potential liability issues that are associated with such use and the likelihood of litigation.

These concerns have been a factor in the reluctance of Local Government to establish new Off Road Vehicle areas and have played a major role in decisions to close existing facilities. (See: Appendix 3: Risk Management and Liability for a detailed discussion on this issue)

LAND MANAGEMENT ISSUES

Public land managers have an obligation to manage public land sustainably for a broad range of uses whilst conserving flora and fauna and protecting the natural resources. Understandably this requires a difficult balancing of conflicting requirements.

DEC in their Off-Road Vehicle Summit identified the following core issues for land managers:

- A. Environmental degradation
- B. Social impacts
- C. Provision of areas to ride or drive
- D. DEC's role
- E. Legislative tools & change required
- F. Education

A key challenge for public land managers is to provide clarity in the application of relevant laws, through education and communication, and clear signage in the forest, so that trail bike riders can reasonably be expected to know when they are committing an offence.

Enforcement is a major challenge for public land managers. The ability to conduct effective enforcement is currently hindered by the limitations of current legislation, poor coordination across government agencies and low levels of resourcing to undertake enforcement.

LACK OF A COORDINATED APPROACH

Rangers and government officers are frustrated about the lack of resources at both local and state levels and the lack of coordination between government bodies to develop solutions.

“Whilst I believe making more areas to ride is definitely effective to solving the trail bike issue in the environment, I believe it should be a coordinated approach between State and Local Government. Often there are departments and resources which are better suited to implementing this type of recreational activity, than just local government. Thank you for the opportunity to comment. It is a very big topic in the Eastern Hills and one that I hope will be lessened by the introduction of areas for trail bike users to ride within.”

“Local Shires and police do not have the staff or resources to contain this, particularly not in south west WA. More funding definitely needs to come from state level. Possible TV advertising aimed at courtesy and common sense for trail bike riders.”

There has been a reluctance for any one Government agency to take the lead on this issue. DLGRD has the legislative role under the Control of Vehicles (Off-road Areas) Act but this role does not extend to addressing the broader issues identified here and DEC has a legislative role to provide for appropriate recreation but has issues balancing this against its conservation role.

Underpinning many of these issues for the general community, authorities and land managers is one fundamental issue:

LACK OF PLACES TO RIDE

Whilst the clear majority of respondents to the Community survey and consultation expressed concerns with many aspects of trail bike riding – the majority also clearly felt that the root issue was a lack of legal, endorsed riding areas to cater for riders. 81% of respondents to the Community Survey saw providing more designated areas for trail bike riding as being the most effective solution to the issues.

Many, even those most annoyed by trail riders on walking and mountain bike tracks, understood that most were there because they didn't have any alternatives.

“I usually find they are quite considerate of me as a horse rider. I am more concerned with the issue that places for us horse riders and trail riders are rapidly disappearing and it is going to cause people to start accessing areas they are not supposed to by cutting wire fences etc and can you blame them...?”

Rangers advised that they were concerned with fining or warning trail bike riders when they could not provide them with alternatives and places where they could ride.

“As a local government land manager I have encountered conflict with other users of a recreational area, degradation to the environment and often frustration that there are little legal areas and facilities I can direct trail bike users to.”

“As a Ranger with the City of Rockingham I am constantly receiving complaints from residents regarding all types of off road vehicles. As the City of Rockingham does not have any off road vehicle areas, riders are utilizing our beaches and any large vacant land areas on a regular basis. Due to the expansion of housing, these areas are no longer secluded from the general public.”

The community sees the impact of trail and land closures as serious. With fewer 'sanctioned' areas to ride, there will be an increased load on those areas, exacerbating conservation issues and increasing collision risk.

Worse, the public expect that a lack of adequate sanctioned riding areas will lead to an increase in riding in unauthorised areas, including those where potential for conflict with other recreational users or conservation needs exist.

ABOUT TRAIL BIKE RIDING IN WA

In this report the term ‘Trail Bike’ is used in its broadest context to describe any motorcycle or quad bike that can be used on a trail.

Trail bike riders are a diverse group with diverse desires. Trail bike riding is undertaken both competitively and recreationally, by men, women and children from five to sixty five, on a variety of different styles of bikes, in natural environments, constructed circuits, specific off road areas or networked tracks and trails.

This section of the report provides an in depth background to the activity of recreational trail bike riding, particularly for those unfamiliar with the pastime. Descriptions are provided about the riders, the bikes, the gear, the riding experiences, the riding areas, and the organisation of riding. There is a special section on Junior Riders and finally information about the contribution of trailbike riding to the economy.

“Unless you have ridden trail bikes for years you do not understand the attraction or skill and enjoyment that you can get from riding, this is near impossible for enthusiasts to give up for any reason (particularly liability and unproven claims) as it can become an extreme passion! I support a tougher stand on those that purposely cause environmental degradation and give responsible riders a bad name. But I love riding and will not give it up for anyone.” - Rider Survey – Government officer

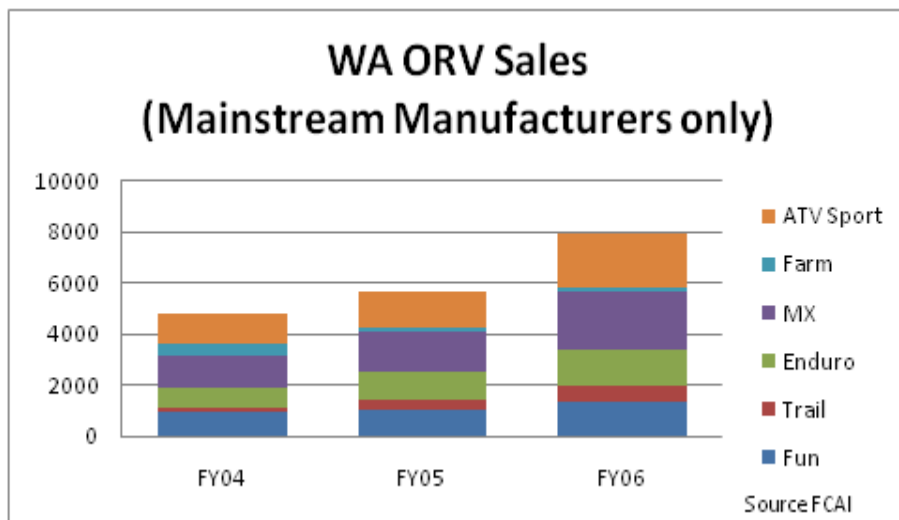
THE RIDERS

RECREATIONAL PARTICIPATION

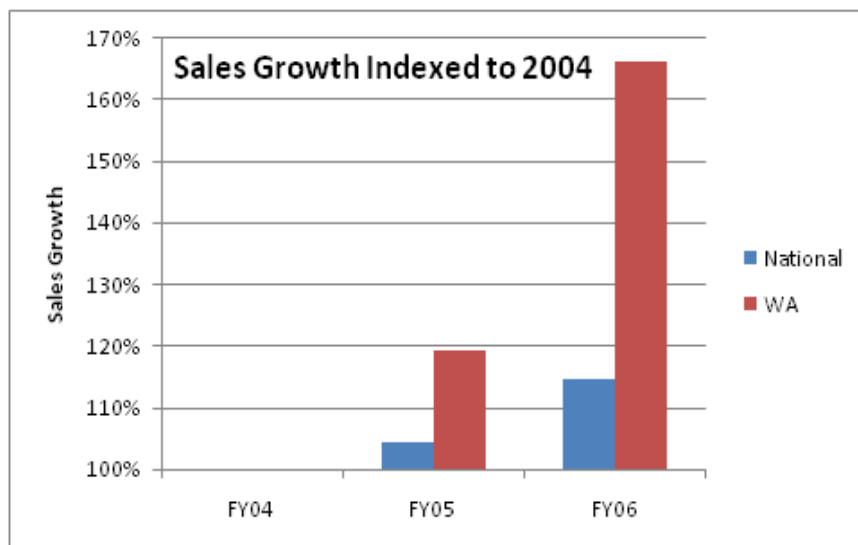
There is no single source of data on the number of operational trail bikes and riders in WA. Bike sales data and trends are the best indicators of numbers engaged in trail bike riding, but even this is incomplete as reliable sales data is only available for the 'mainstream' manufacturers which leaves a question over the growing number of Chinese import bikes and quads. What data there is, however, paints a picture of an activity that is popular and rapidly increasing.

Trail Bike Sales Data

According to data supplied by the Federal Chamber of Automotive Industries (FCAI) a total of 7,865 off-road motorcycles and non-agricultural quad bikes was sold in WA in 2006.



This figure represents an increase of over 66% in Western Australia since 2004. The increase nationally over the same period is just 14%.



According to the data supplied by FCAI, WA has gone from 10.1% of the national market in 2004 to 14.7% in 2006.

This information supplied by FCAI represents only the ‘mainstream’ manufacturers such as Honda, Suzuki, Yamaha, Kawasaki, KTM, and Husqvarna. To the above figures must be added the sales of the various brands of Chinese mini bikes, fun bikes and quad bikes which are growing in popularity due to their very significant pricing advantage over the mainstream manufacturers.

It has not been possible to obtain sales data for these Chinese machines. There are three importers of ‘fun’ bikes and quad bikes from China who claim to collectively control around 80% of the Chinese import market in WA. Despite several requests these importers were not prepared to provide sales data for this research study. One importer claimed to not know how many he sold. This attitude is symptomatic of a broader problem with these bikes which will be dealt with elsewhere in this report.

Annual sales data provides only a part of the story, as motorcycles have a life span of anything up to twenty years.

Estimating the cumulative total number of bikes currently operating is always going to be imprecise, but if we assume an average life span of 10 years then a projection in the order of 50,000 bikes still being actively ridden would seem to be reasonable, again without taking into account the Chinese imports.

The Riders

Another way of attempting to quantify the extent of recreational trail bike riding is to look at the number of riders.

The online rider survey conducted for this project indicated current riding frequencies as below:

6. How often do you ride?			Response Percent	Response Count
A few times each week			14.9%	147
Every week			32.0%	316
A couple of times each month			38.4%	379
Once a month			8.4%	83
Every few months			4.7%	46
A couple of times each year			1.7%	17
			<i>answered question</i>	988
			<i>skipped question</i>	110

In interpreting the frequency of riding data we need to recognise that survey respondents probably skew towards people who ride more often, as these people had more opportunity to be encountered by the survey and have stronger feelings towards riding.

Even accounting for this the data suggest that people who engage in trail bike riding do so on a regular or frequent basis.

The overall impact of trail bike riding is perhaps best understood by considering the number of individual riding ‘events’ that occur each year (number of riders x number of times they ride). A very rough indication of this can be extrapolated from the data collected as shown in the following table. The result is an estimate of up to 1.5 million riding events per year.

Riding events or occasions				
answer options	% response	% of 50,000 bikes	annual rides	riding events
A few times each week	10%	5,000	100	500,000
Every week	25%	12,500	50	625,000
A couple of times each month	30%	15,000	20	300,000
Once a month	15%	7,500	10	75,000
Every few months	10%	5,000	4	20,000
A couple of times each year	10%	5,000	2	10,000
<i>answered question</i>	<i>100%</i>	<i>50,000</i>	<i>186</i>	<i>1,530,000</i>

The Rider Survey found that 60.7% of respondents did not belong to a club. We can assume that this number is under-reported as the survey was heavily promoted at club events and via the clubs themselves, so the survey response would have skewed *towards* riders who are members of bike clubs.

Motorcycling WA estimate that 85-90% of adult off-road riders and closer to 95% of child off-road riders are not members of clubs.

Motorcycling WA does not maintain an overall register of the number of members enrolled in each of the affiliated clubs and such an audit was beyond the scope of this project. However from the number of annual and one-day competition and recreation licences issued Motorcycling WA estimates a figure of 4,600 club members. They estimate that this represents 10-15% of the adult off-road riding potential.

On this basis we can estimate an approximate potential of 30,000 to 45,000 adults and a further 11,000 juniors (based on 550 active junior club members representing 5% of the junior potential).

This aligns with the estimate of 50,000+ bikes derived from the sales data.

DEMOGRAPHICS

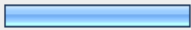
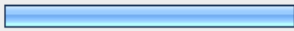

If you mention "trail bike rider" to a person who is not an off-road vehicle user, there are some general characteristics that are assumed to belong to the trail bike rider that come to mind. Most of these attributes are not thought of in a positive light. But how accurate are these ideas? Who is a trail bike rider?

Trail bike riders come from all socio economic backgrounds, are across all age groups and ride for a wide variety of reasons. Anecdotally we know that women are taking up trail bike riding in increasing numbers¹⁹, our survey found that the majority take up trail bike riding under the age of 18 and interviews with riders show that many have taken it up again after the age of 40.

Using the Junior Off-Road Riding series as a case study – around 30% of the members are girls aged 7-15 years who have family memberships with their fathers belonging to the senior Trail & Enduro Club. The fathers contend that it is an excellent way for them to establish a bond with their daughters.

The group is widely diverse and as such suggests that stereotyping of riders only leads to invalid and unreliable biases and value judgments about trail bike riders.

The majority of riders start as juniors with 78% of the trail rider survey respondents commencing riding under the age of 18. This indicates most clearly the issue of junior riders and the pressure placed on providing legal places for juniors to ride, given that the majority do not belong to clubs, and most do not have access to private property.

2. How old were you when you started riding?			
		Response Percent	Response Count
Under 10 years		30.6%	334
10-18 years		47.5%	519
Adult		21.9%	239
		<i>answered question</i>	1092
		<i>skipped question</i>	6

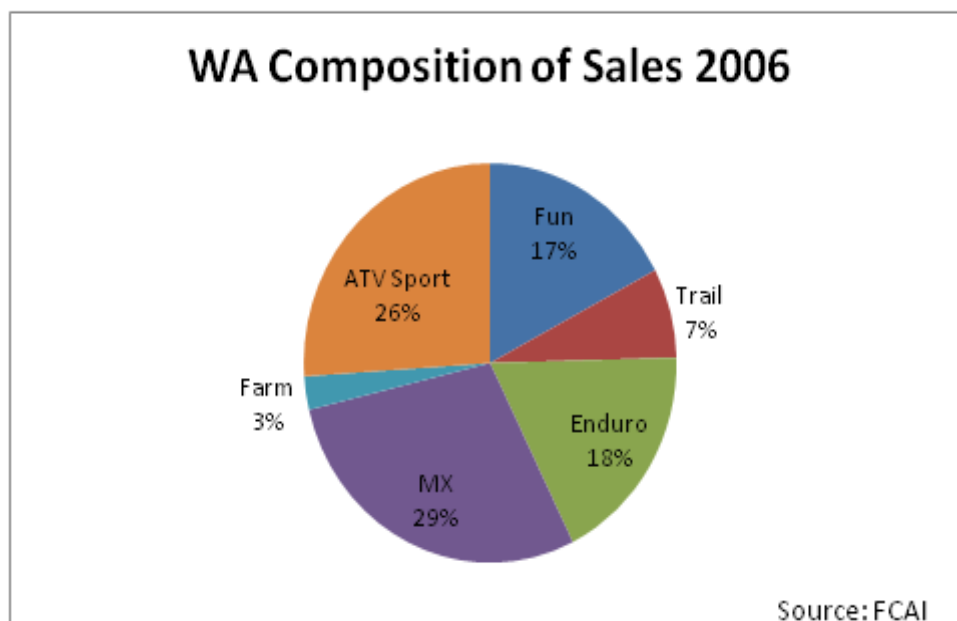
¹⁹ Accessory retailers regularly run out of women’s gear and bikes such as the Yamaha TTR230 which suits smaller women riders is a popular seller.

THE BIKES

The term “Trail bike” is used throughout this report as a convenient umbrella term to describe a range of different two and four wheel vehicles that can and are used for off-road riding.

It is important to note that there are significant differences between the different types of motorcycles used for off-road activities, even though to the untrained eye they may appear similar.

Data supplied by FCAI for 2006 sales of ‘mainstream’ off-road motorcycles was segmented into the following groups:



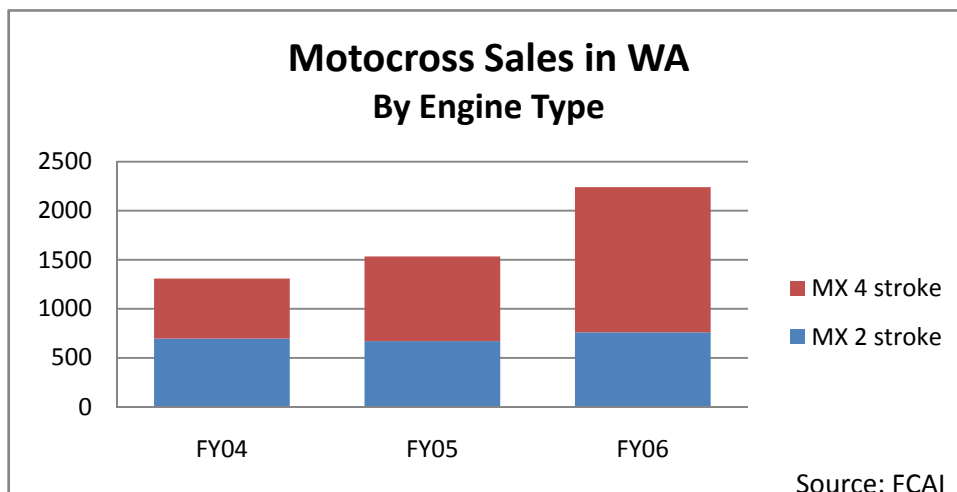
Motocross (MX) bikes – <29% of new sales in 2006> Motorcycles designed for high-speed racing (ie. motocross) on rough terrain, on racing circuits which are generally between 1.4 and 2.5 kilometres in length (ie. motocross tracks).

Motocross bikes are high performance racing machines. They are not designed to be registered for road use. However, because competitive motocross racers tend to buy new bikes more frequently (often every one or two seasons) and motocross bikes tend to depreciate in value quite rapidly, second hand MX bikes are commonly purchased as a cheaper alternative to registered trail or enduro bikes for recreational trail riding.

Although not tested for in the research it may also be the case that MX bikes are seen as a more ‘edgy’ option by many younger riders whose aspirations may more be ‘Crusty Demons of Dirt’ freestyle than the discipline of competition or environmental empathy of pure trail riding.

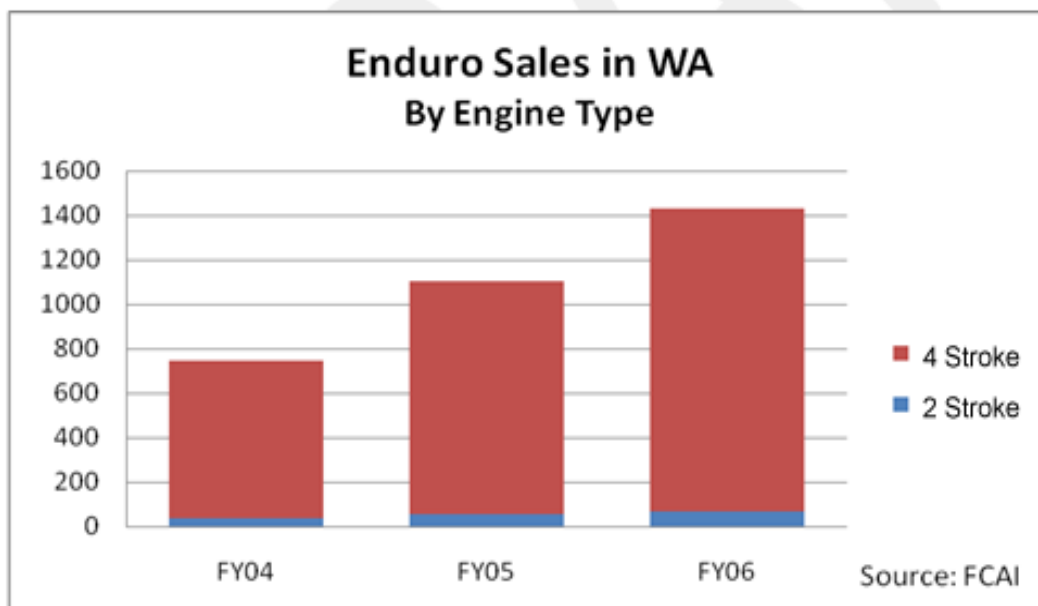
Motocross bikes have traditionally also been popular as competition Enduro bikes. By adding a

lighting kit they can be registered as Class B Vehicles (see: Underpinning Legislation) which gives them limited access to public roads while engaged in authorised competitive events. There has been a substantial increase in the sales of Motocross bikes in WA over the past three years.



Enduro bikes - <18% of new sales in 2006> High performance motorcycles designed for racing on relatively long, but defined, natural terrain or cross-country circuits or courses involving a mix of slow and fast sections.

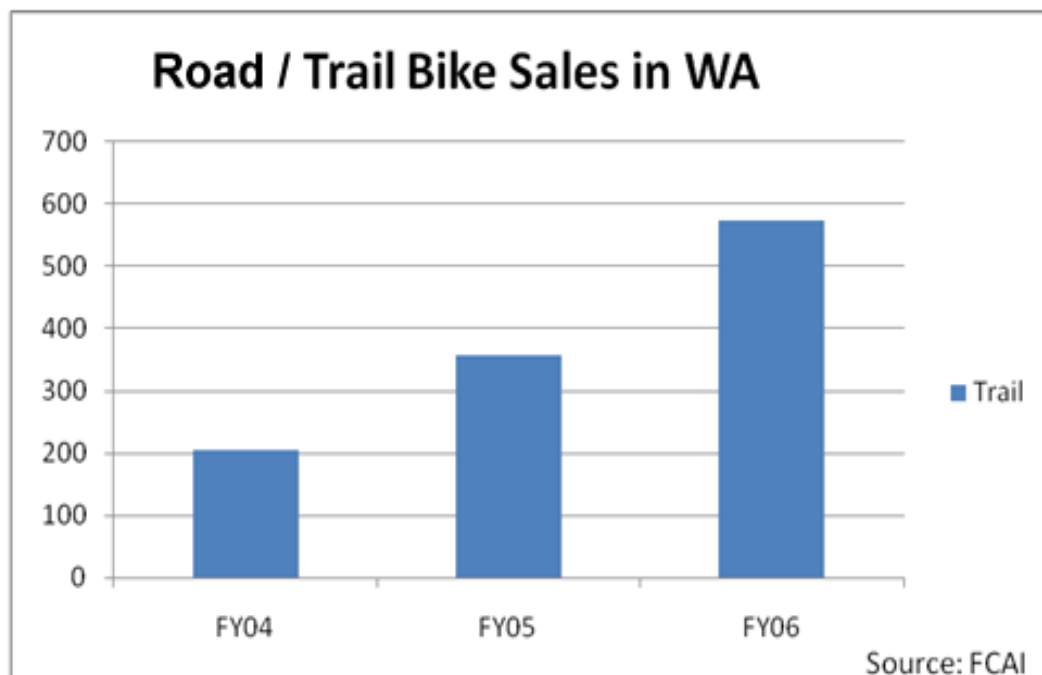
Enduros are similar to rally car driving in that riders compete to complete staged sections in the shortest time. Enduro bikes are usually equipped with headlights, brake lights, tail lights and exhaust systems that comply with the Australian Design Rules (ADRs) and are able to be registered to ride on public roads. Their suitability for off-road riding make ADR compliant Enduro motorcycles the most common type of motorcycles currently used in legal trail riding on public land.



Road / trail bikes - <7% of new sales in 2006> Lower performance and lower cost than Enduro

motorcycles, Road/Trail motorcycles are designed for a balance of road commuting and recreational trail riding. These machines are designed and sold as new with headlights, indicators, brake lights, tail lights and exhaust systems that comply with the ADRs. They are able to be fully registered for use on public roads and the majority are registered when new, but as they age and are on-sold the subsequent owners will eventually let registration lapse and use them off-road only.

The smaller capacity road / trail bikes are declining in numbers as Enduro motorcycles provide better off-road performance in a road-legal form and are now the main motorcycles purchased/used for trail riding.

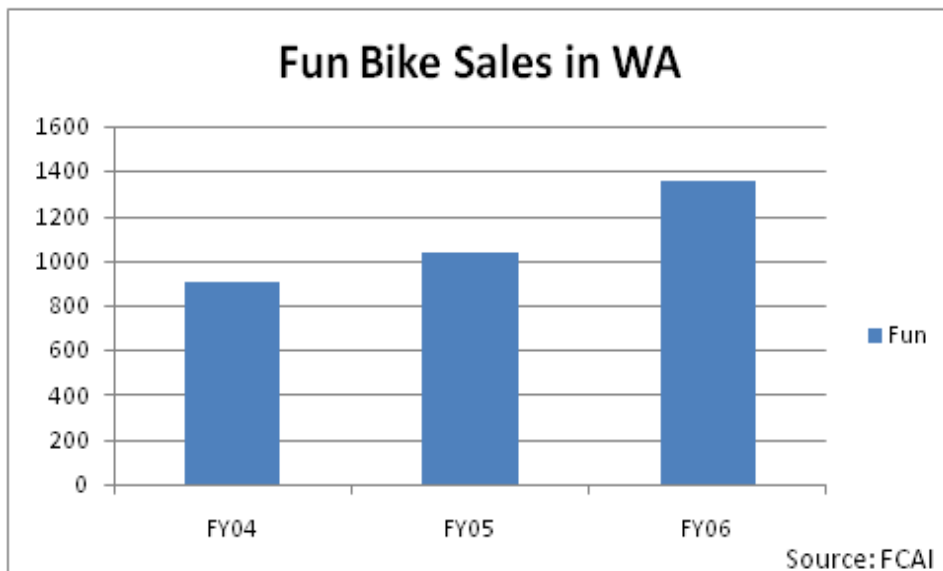


MotoTrials bikes – Highly specialised motorcycles designed to negotiate complex and very rough natural and/or artificial terrain, at slow speeds. The objective of MotoTrials is for the rider to negotiate obstacles without touching the ground with their feet for additional support. These bikes are almost never used for recreational trail riding and are therefore not considered in depth in this report.

Fun Bikes – Includes Mini-Bikes - <17% of new sales in 2006> small motorcycles with relatively low-power engines that are designed to be ridden by children from 5 to 12 years old - and scaled down trail bikes designed to be ridden by children from 10 to 16 years as well as smaller adults. Fun bikes are not designed to be registered for road use but these bikes are often associated with riding illegally on the fringe of urban areas. These bikes are becoming increasingly sophisticated and range from single speed 50cc bikes through to 125cc geared bikes with sophisticated suspension. There is an emerging desire for these bikes to accompany larger bikes on family style trail riding activities, providing that the terrain is not advanced.

The growth in 'mainstream' Fun Bike sales is significant, given that this is the category of motorcycle

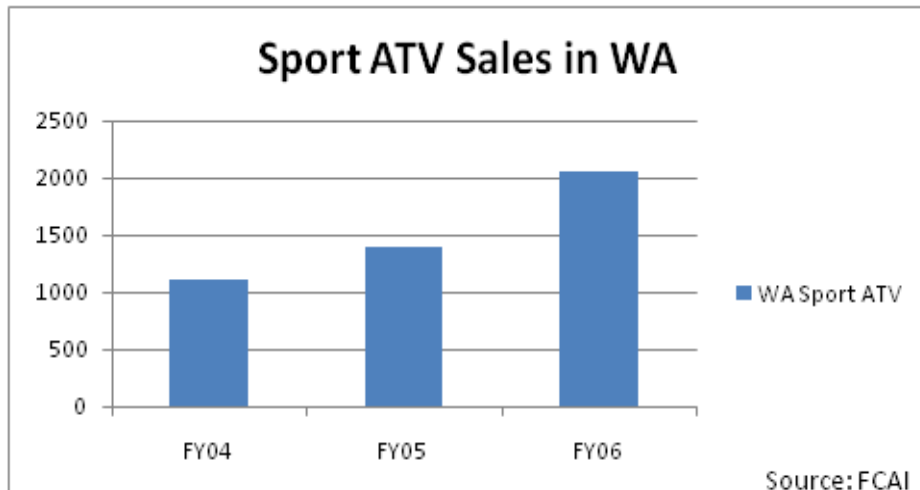
most affected by the cheaper Chinese imports. If the sales figures of the Chinese imports were known, this is the category to which they would be added. It can be assumed, therefore, that both the volume and the growth in this segment as reported by the FCAI data is dramatically understated. The actual sales figure is likely to be at least double that shown, and potentially much higher.



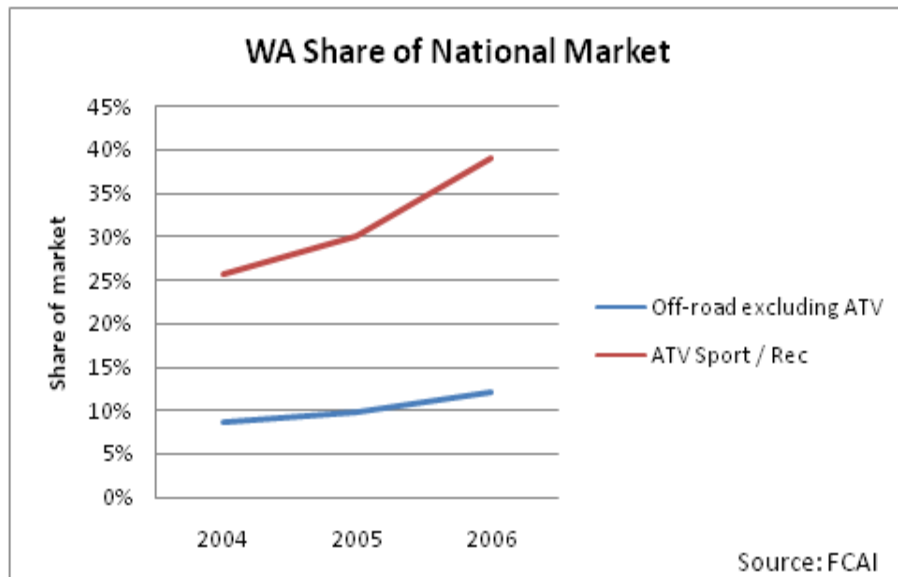
Pit Bikes – This is a term given to miniature dirt bikes and derives from their origins as vehicles used to quickly move around the pit areas of motor racing tracks and events. Today the term is used almost exclusively to refer to the breed of mini bikes imported from China. These tend to be heavier and more powerful than the mini-bikes designed specifically for kids. Their relatively low cost has made them an impulse purchase item and is a significant contributor to the rapid growth of trail bike sales and use in urban areas. No sales data has been forthcoming for this category and if data were available these bikes would be treated as a sub-category of ‘Fun Bikes’.

Adventure Touring bikes – These are larger capacity bikes (600cc+) designed for long distance travel over sealed and unsealed roads. They are fully ADR compliant and are rarely used off formed roads and major tracks. Accordingly they are not considered in depth in this report.

ATVs / Quads / 4Wheelers(All Terrain Vehicles) – <29% of new sales in 2006> Four-wheeled vehicles equipped with the same engines that power motorcycles. ATVs fall into two groups – those used by farmers as a convenient alternative to the tractor and farm bike, and those used for competition and recreation use. The agricultural quad bikes are equipped as farm vehicles with headlights, brake lights, tail lights and carry racks. This category is not considered in depth in this report. Competition / recreation quads are designed as racing machines equivalent to motocross bikes, but many if not most are never actually raced.



WA holds a disproportionately high share of the National competition / recreation quad bike market according to the FCAI data. While WA's share of national sales in all categories excluding ATVs was 12.1% in 2006, WA's share of the national competition / recreation ATV market was 39%.



Again it must be stressed that this data does not include the substantial numbers of Chinese imports in this segment so the actual sales volume will be higher than that shown although it is impossible to say whether or not WA's proportion of the national Chinese import market is higher or lower than its share of the 'mainstream' market.

There are several probable causal factors for this high proportion of ATV sales in WA:

- The Off Road Vehicle areas such as Lancelin and Gnangara provide riding opportunities that don't exist in other states where quad bikes can only be ridden on private property.
- Western Australia's booming economy is providing the disposable income to support the acquisition of family 'toys'

- The large number of people employed under ‘fly-in, fly-out’ arrangements which give both a high disposable income and longer stretches of mid-week leisure time.
- The sandy conditions that are prevalent all along the coastal strip are ideally suited to quad bike riding.

The majority of respondents (55%) to the trail bike rider survey owned a trail or enduro bike. 14% of these were not registered ie they are likely to be “fun bikes”. 40% owned a motocross bike which again demonstrates the issues surrounding legal trail riding on unregistrable bikes. 21% rode quads.

29. What sort of bike do you ride?			Response Percent	Response Count
Road Registered trail / enduro bike			41.4%	389
Class 2 registered trail / enduro bike			3.0%	28
Unregistered trail / enduro bike			14.0%	132
Motocross bike			40.4%	380
Quad bike			21.0%	197
Other (please specify)			5.5%	52
			<i>answered question</i>	940
			<i>skipped question</i>	158

TWO STROKE AND FOUR STROKE

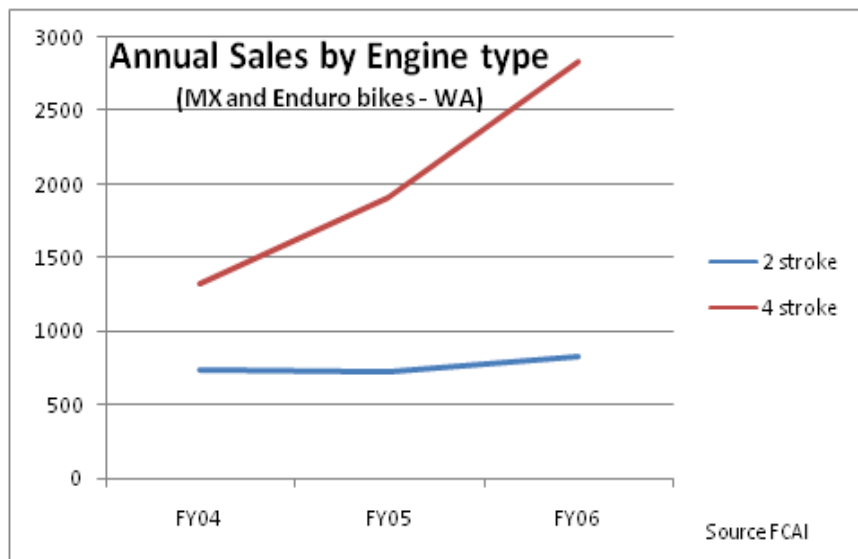
Trail bikes are available with both two stroke and four stroke engines. The distinction between two stroke and four stroke bikes has greatest relevance in terms of noise output. Two stroke bikes often seem louder in close proximity, and have a higher pitch tone like a chainsaw, but the noise of four stroke bikes actually travels further. This is exacerbated by the fact that four stroke engines derive greater power benefit from freer-flowing (hence louder) after-market exhaust systems. There is a significant industry in after-market performance exhaust systems, many of which do not meet either ADR or competition db levels.

Two stroke bikes are lighter and simpler to maintain, and have a higher power output by engine capacity than four stroke bikes, however they need pre-mix fuel (which creates complexity on the trail as riders need to carry their own oil), lack the engine braking characteristics of four strokes and have a more aggressive power band, particularly in the smaller capacities, that can make them less suitable for novice riders. Two stroke bikes traditionally have not had electric start, although one

manufacturer has introduced electric start to selected models within the past year and this is a trend that is likely to continue.

Four stroke bikes tend to be easier to ride for novices or the more sedate rider because they have a flatter power curve and the large capacity bikes provide good power at low revs, while the newer high-tech engines can rev at speeds of up to 13,000 rpm to deliver the power for an exciting ride. While the choice ultimately comes down to personal preference of the rider the recent growth in popularity of trail bike riding, especially among more mature men, can be largely attributed to the developments in modern four stroke trail bikes.

Sales data indicates a very significant trend towards four stroke bikes in both Enduro and Motocross categories:



REGISTERED AND UNREGISTERED

Trail Bikes are able to be registered if they are ADR (Australian Design Rules) compliant. This means the bike must have headlights, indicators, Department of Transport approved tyres, mirrors, speedo and other items. However the manufacturer must apply for compliance and provide the bike for sale fully ADR compliant – this is not a process that an individual can undertake.

It is estimated that most registerable bikes are in fact registered when sold new, but as they age and depreciate the cost of registration becomes an increasingly high proportion of the value of the bike until the point is reached that they are considered no longer worth registering. At this point they should only be used on private property or in designated ORV areas. Some registerable bikes are not registered when bought new, possibly because of the cost of registration and because stamp duty is payable only when a vehicle is registered or the licence transferred. Stamp duty adds close to \$300 to the cost of a \$10,000 vehicle.

THE COSTS

72% of respondents to the rider survey paid over \$5,000 for their bike and 30% paid over \$10,000 for their bike. With some families owning a number of bikes it is clear that quite large amounts of disposable income are being allocated to this activity.

It is not surprising then that trail bike riders are passionate and concerned for the future of the activity.

33. Approximately how much did you pay for your last bike?			
		Response Percent	Response Count
Under \$1,000		1.9%	18
\$1,000 - \$2,000		4.3%	40
\$2,000 - \$5,000		21.8%	205
\$5,000 - \$10,000		42.5%	399
Over \$10,000		29.7%	279
		<i>answered question</i>	940
		<i>skipped question</i>	158

THE GEAR

Motorcycle riding, whether on or off-road, has inherent risks. A motorcycle provides little if any protection when compared with a car and so the riders need to wear their own body protection.

Over the years there have been substantial advances in motorcycle rider protection. Today's typical fully protected rider wears the following items of protective clothing, investing between \$1,000 and \$4,000:



Protective gear for children tends to be cheaper, but buying full protective gear for several children in a family (and replacing it as the children grow) is obviously a significant investment.

THE RIDING EXPERIENCES

Trail bike riders generally seek the same type of outdoor recreational experience as many other outdoor recreators.

“The freedom to explore anywhere and challenge the terrain and nature. The fun times with mates play racing around on an unused section of trail miles away from others. The chance to share special time with the rest of my family away from shops ,movies , phones and see them learn to be responsible for their actions while still being close enough to catch them when things go wrong. To see a beautiful country that fewer and fewer people realise is out there for the experience. I like it all!!”

Respondents to the trail bike survey were asked “What do you like about trail bike riding?”. Whilst the most used word was “**freedom**”– the following were common answers:

What do you like about trail bike riding?		
Freedom, getting away from it all, adventure, exploring	Mateship - time with friends, social aspects.	Hobby, an interest including working on the bike.
Stress relief, relaxation	Fun	Exercise & fitness
Challenge, skill improvement, test abilities	Adrenalin, excitement, thrill, speed	Enjoying the outdoors, environment, scenery
Not having to ride hard all the time like at a club	Access certain areas not accessible by motor vehicle, see Australia	Control
Getting off the beaten track - Away from traffic	Challenge of different natural obstacles	Teaching the children
Meeting new people	Quality family time	Keeps us out of trouble
Escapism	Belonging to the sub-culture	

Freedom and enjoying the outdoors were key themes which explains why the majority do not join clubs or ride circuits – they don’t want to be restricted by time or place. These reasons indicate why recreational riders don’t want to race competitively. This quote best sums up

“The feeling, the freedom, the challenge, the concentration, the stress release, the adrenalin, the endorphins, the friends, the views....the good times.” (25-34 – Male)

Whilst riders may ride with a group, they generally still want to recreate in a dispersed setting where they feel some level of isolation.

“I seek the experience of isolation with the challenge of exploring different locations, its not about the competition, but the joy of riding.”

- Rider Survey – Compliance officer (Ranger)

Recreational trail bike riding comes in a variety of styles and rider objectives. The type of trail riding experience affects typical trail characteristics, user desires and requirements, trail infrastructure and compatibility with other trail users. 76% of the trail bike survey respondents ride their bike less than 5% on sealed roads with 43% never riding their bikes on sealed roads – this indicates that for 94% of trail riders their bikes truly are off (sealed) road.

DESTINATION RIDING / TOURING

Destination riding is most closely aligned with the experiences sought by bushwalkers and mountain bike riders. A destination ride is a ride to somewhere and back again. It can range from a couple of kilometres of single loop or up to many hundreds of kilometres covered over several days.

Destination trail bike riders value variety, scenery, companionship, adventure, fresh air and exercise – in short, many of the attributes most commonly associated with other active outdoor recreation. For reasons of safety and companionship most destination riding is undertaken in groups of two to ten riders, although commercial tours can involve groups of up to thirty.

“Ability to go riding in areas and through terrain that would be too difficult or hard to reach on foot and on my mountain bike. The adventure involved in finding new tracks and places. Kinsmanship of riding with a group. The thrill of riding a motorbike on dirt without the worry of other vehicles like you get riding on the road.”

Short destination rides can be undertaken solely within forest areas and on forest trails, while the longer rides will almost certainly require an element of on-road riding to connect sequences of trails.

The type of trail sought by destination riders varies according to rider experience, the distance to be covered, and the type of bike being used. Riders use routes that exist if they satisfy their needs.

Larger “adventure touring” bikes are heavier and more road-oriented and so riders of these machines travel longer distances and look for unsealed minor roads and relatively well maintained tracks.

Trail/enduro bike riders seek a variety of trails including tracks suitable for four-wheel drives and unmaintained tracks that provide some challenge sections such as hills, rutted or rocky sections, water crossings and tight twisty sections.

“I enjoy being outside and exploring. It is a great way to experience nature as you are a lot more aware of what is around you when riding a trail bike than when you are in a 4wd for example. It is also exhilarating riding a motorbike and the constantly changing trails keep it exciting no matter how much you ride, much more so than track riding. It also gives me a chance to see a lot of places that I would never otherwise get to see and I often come home feeling like I have been on a mini holiday because the exploration is so satisfying.”

“Single trail” sections where the track is literally only the width of a motorcycle tyre tread and winds its way through the bush are valued as these test the skill of the rider and can be especially satisfying to ride. Because of the tight nature of single trail, these sections tend to be relatively short – typically less than a kilometre. A quality ride will have segments of single trail interspersed among the more open tracks.

Within this range of terrain rider preference aligns with experience, confidence and skill levels so that the less experienced riders prefer firmer ground and more open trails, while the more experienced seek greater challenge. A quality ride will leave the rider feeling challenged but not overwhelmed.

Because destination riding almost always occurs on public land, this form of riding is legally restricted to registered bikes and licensed riders. Accordingly there is no current opportunity for underaged riders to legally accompany their parents on destination trail rides and, although popular in the United States, there are no legal opportunities for destination trail riding for quad bikes in Western Australia.

CROSS COUNTRY

Cross-country riding is commonly associated with deserts and wide open spaces that are devoid of formed roads. Prevalent in the United States, cross-country riding in Western Australia is typically confined to private farms or beach and dune areas.

The Lancelin off road vehicle area is perhaps the best example of this.

“Lancelin is awesome because you can go trail riding but also find big jumps and carve up the dunes!!”

“Lancelin is the best place for riding, there’s a lot of freedom out there in the dunes going 4 long rides with mates and just exploring is great.”

Cross country riders enjoy the freedom of exploring open areas on their trail bike or quad, however it is not known to what extent those who ride cross-country would actually prefer the opportunity of destination trail riding if it were available to them.

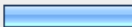
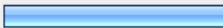
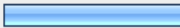


FAMILY TRAILS

Research indicates an increasing demand for destination trail facilities that are accessible by family groups. Families report that trail riding enables the family to spend time together outdoors, enjoying the fresh air and environment and it gets the kids away from computer games.

“Trail riding offers many things. This brings our family together in a great environment for communication between parents and kids. No computer games, no TV, no phones, just fresh air and plenty of physical activity. A side benefit of riding is it keeps us fit and healthy. Our kids have learned how to light a fire, cook, camp, and many other life skills on these weekends, all in a responsible, environmentally friendly manner. They were a little put out when we had to clean up someone else’s rubbish near our campsite, but they now realise that it’s important to take any rubbish home

with you, even if it's not yours. Off road touring is a fantastic way to see out of the way places in the bush. We've seen parts of the Southwest that most people don't even know exist. My daughter couldn't believe "Fish Ladder Falls" when she saw it. I guess I can summarise what I really enjoy down to two things. I like the physical and mental challenge of riding over difficult terrain, and I love getting away with my family and friends spending a weekend in the bush."

Trail bike riding, like bushwalking and mountain bike riding, is an activity that can be enjoyed by family members from an early age (generally from around eight years). The trail bike survey found that 73% of respondents have parents, children, siblings and/or partners who also ride – demonstrating the family orientation of the sport and that children are more likely to ride if other members of their family ride. Respondents who started riding under 10 years of age are much more likely to have other family members who also ride.

5. Do other members of your family ride?			Response Percent	Response Count
Yes - parents			21.8%	238
Yes - children			36.7%	401
Yes - siblings			29.2%	319
Yes - partner			24.7%	270
No			27.6%	301
			<i>answered question</i>	1092
			<i>skipped question</i>	6

Trail riding in family groups provides an opportunity for parental supervision and can enable young riders to gain valuable vehicle control skills, environmental appreciation and to learn responsible trail riding techniques.

"Nature, freedom, excitement, bush, childhood memories, teaching kids not only to ride but to respect the bush, finding new places, time shared with the missus (just recently learnt to ride), hanging out with lads, the list goes on it's a magnificent past time that gets me out of the city and experiencing to me what's true blue Oz."

The type of terrain sought is similar to that of destination riding, with allowance made for the restricted capabilities of smaller machines and younger riders. Family members may participate at different levels.

Current vehicle registration and driver's license legislation precludes this activity from occurring on public land other than designated off road vehicle areas.

FREESTYLE

Freestyle riding is usually an extension of cross-country riding and typically refers to the discovery or building of obstacles such as jumps or other challenges.

There is a parallel between the skate park and skiing terrain park culture and freestyle dirt bike riding, with proponents typically being younger and riding motocross bikes.

"It is sick ass fun, gets you out and about, keeps you away from drugs and alcohol."

Given the increased risks associated with freestyle areas special precautions would need to be taken if freestyle areas were to be incorporated into any public ORV area, and a detailed investigation of the management and safety implications is beyond the scope of this report.

CIRCUIT RIDING

Motocross-style circuits can be formal or informal and provide a high-adrenalin experience in a relatively confined space.

Motocross circuits typically have tight banked corners and jumps connected by short straights and provide the rider with racing practice or riding challenge. The circuits can vary in technical challenge from a simple flat loop for young riders up to international level super cross circuits requiring a special permit to access.

In the context of recreational riding, motocross-style circuits fall into one of the following categories;

- Competition motocross circuits made available by clubs for recreational use and practice by members– eg Chidlow Junior Motocross Club
- Commercial practice tracks – none currently operating in WA, but at least one in planning stages in Perth
- Club-developed non-competitive riding circuits – eg ATV Social and Racing Club.
- Informal circuits created and maintained as part of a designated off road vehicle area – eg York ORV Area.
- Informal circuits created by users within a designated off road vehicle area – eg certain areas within Gnangara and Pinjar
- Unauthorised circuits created by users outside of designated off road vehicle areas – eg various sites in bushland, vacant industrial land and private property

Circuit riding has advantages where not all members of a family ride, in that the activity occurs within a confined space which is often close to car parking areas. In the case of junior riders a well-positioned spectator area offers a view of the entire circuit to enable parental supervision.

Spatial and or temporal separation of different rider age and skill levels can be achieved, and one or more circuits can be developed on a relatively small parcel of land, especially for junior riders, making this a practical option for near-urban areas.

COMPETITIVE EVENTS

Most competitive motorcycle events come under the authority of Motorcycling WA, which is affiliated through Motorcycling Australia to the Fédération Internationale de Motocyclisme (FIM) – the governing body for international motorcycling sport. There are some clubs currently not affiliated to MWA, though these are in the minority.

Competitive off-road riding options in Western Australia include:

- Motocross
- Junior Motocross
- Vintage Motocross
- Enduro
- Junior Enduro
- MotoTrials
- Speedway

Motorcycling WA is also keen to introduce Minikhana to Western Australia. Popular in NSW where there are several dedicated Minikhana clubs, this sport provides another avenue for juniors to gain skills and have riding fun in a controlled environment. (see: Appendix 4 – Minikhana Discussion Paper)

The competitive events are held under strict conditions governed by the Manual of Motorcycle Sport. Public liability cover is provided under a captive insurer and commercial insurance providers through Motorcycling Australia.

While these events cater well for those riders whose interest lies in the *sport* of off-road motorcycle racing, the majority of off-road riders choose not to race – preferring to enjoy their riding in a purely recreational and less structured setting. Many of those who do race competitively also enjoy recreational trail bike riding.

It was proposed in the 2006 review of the Off Road Vehicle Act²⁰ to encourage more riders to join clubs so that they would use club facilities, get the insurance cover that competition licenses provide, move the responsibility for facilities management to the clubs and reduce the need for

²⁰ Position Paper Control of Vehicles (Off-Road Areas) Act 1978, May 2006, DLGRD

riding on public land. This recommendation is considered to be limited in its value as the existing clubs do not cater for recreational riding and impose time and place constraints that riders do not want. In addition the insurance cover only applies when riders are competing in an event or official practice –and not when they are simply riding recreationally unless the recreational activity is specifically sanctioned by MWA and complies with strict supervision and participation limitations.

With the possible exception of Enduro events which are usually held on public land, few if any of the legitimate community concerns are leveled at organised competitions. So this study has focused on the needs of and issues surrounding recreational riders only outside of MWA sanctioned events.

THE ORGANISATION

Most recreational riding occurs outside club or other formal organisational structure. This finding aligns with broader social trends indicating a general decline in club memberships.²¹

91% of respondents to the trail bike rider survey had never been on an organised trail ride, demonstrating the informal nature of trail bike riding. The older the rider the more likely they are to participate in organised rides.

MOTORCYCLING WA - GOVERNING BODY OF MOTORCYCLE SPORT

In 2007 there were only two non-competitive trail rides held under Motorcycling WA authority – the Adventure Rally run by the Trail & Enduro Club (estimated 300+ participants), and the Capel Dirt Bike Rally held by the Southern Capes Motorcycle Club (estimated 120 participants). Bikes need to be fully registered or class B registered.

The Trail and Enduro Club also runs events for juniors via the Junior Off Road Riding series. There were 12 events held in 2007 (6 coaching days and 6 competitive events). The majority of the junior competitive events also had a recreational class for children not wishing to ride competitively. The junior events are all held on private property, usually large farms located within a 1.5 to 2.5 hour radius from Perth. In 2007 all events were sold out with around 50 children attending each coaching day and up to 120 children riding the Enduros and other events. This indicates a significant unmet demand for more organised riding opportunities for juniors.

All events held under Motorcycling WA authority have well structured risk management plans, first aid in attendance, appropriate permits or landowner arrangements and insurance cover.

Motorcycling WA estimates that as little as 10-15% of adult riders and only 5% of junior riders are members of a club.

COMMERCIAL OPERATORS OR FORMAL CLUBS

The Dual Sports Motorcycle Riders' Association (DSMRA) organised 2 one-day and 5 two-day rides for its members in 2007.

The major commercial tour operator in WA, West Coast Safaris, ran 1 and 2 day rides on most weekends in 2007 from February to December with between 5 and 30 riders on each. Their rides are mostly sold out and cost from \$150 for a single day's ride to \$930 for a 3 day ride including bike hire.

²¹ WA Department of Sport & Recreation: Facts and stats: Social Trends – 35% fall in expenditure on sporting club subscriptions between 1993/4 and 1998/9

Events conducted by formal clubs and commercial operators typically include formal liability disclaimers and codes of conduct, are well supported in terms of satellite phones and medical equipment and can be expected to conform to the Adventure Activity Standards guidelines which will be developed for trail bike riding in 2008. Bikes need to be fully Class A registered.

INFORMAL ORGANISED RIDING GROUPS

There are also semi-organised rides most weekends arranged by several informal groups who coordinate their riding activities via Internet bulletin boards. These informal groups, such as the 'Crusty Quinns' bring riders together for safety, camaraderie and the enjoyment of riding in a group. A description from the Crusty Quinns web site:

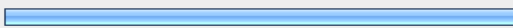
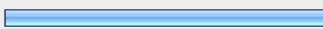
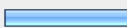
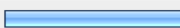

The terminology "Crusty" bears no significance to "the Crusty Demons of Dirt", but rather to the fact that most active player are thirty-something-with-kids... Crusty Quinns is not an association or club, it is a bunch of guys who happen to meet and ride together...The personal safety, legality and machinery/property damage is the responsibility of each individual but hey it's better to have friends around than to be stuck in the bush bleeding on a broken bike by yourself.

While these groups lack the formality of a club or commercial tour, they share many of the attributes. Each ride will have a designated 'leader' who has local knowledge of the route, and they agree on systems to keep the group together – typically 'cornerman system' and / or sweep riders.

Whether a 'duty of care' is owed by those who organise a ride to those who participate is a question yet to be tested at law, however under some circumstances it is foreseeable that such a duty does exist (DSMRA seems to recognise this with a detailed disclaimer required to be completed by every rider participant).

With a little encouragement these groups could take up the principles of the Adventure Activity Standards guidelines to provide the protection of some process without sacrificing the loose structure that their followers prefer. These groups also have the potential to be a communications conduit to riders who are reluctant to engage in more formal structures.

30% of riders from the survey ride with organized groups such as the Crusty Quinns, DSMRA or informal groups facilitated via online motorcycle forums.

4. Who do you usually ride with? (check all that apply)			Response Percent	Response Count
Mates			83.7%	914
Family			52.6%	574
Whoever is out there			20.8%	227
Organised group			29.7%	324
Ride alone			22.1%	241
Other (please specify) <input type="button" value="view"/>				43
			answered question	1092
			skipped question	6

MATES AND FAMILIES

A level further removed from structure is the regular or ad hoc coming together of mates and / or families for a ride. Over 50% of riders from the survey do so with a member of their family, whilst 84% ride with mates – demonstrating the importance of the social aspects of trail riding.

This level of riding organisation is least likely to involve any specific risk planning and presents little opportunity as an efficient communications conduit which will be needed to communicate various strategies and programs out to riders and receive their feedback in return.

NON-RIDING ASSOCIATIONS

The newly formed Recreational Trailbike Riders' Association of WA Inc is an advocacy group established to protect the interests of trail bike riders and to promote safe and environmentally responsible riding. It does not currently hold its own events (although this remains an option for the future) but it does regularly communicate with members on a range of issues of importance to riders. Over 400 members have been signed in the first three months of operation.

THE RIDING PLACES

Off-road riding occurs in hundreds of places throughout Western Australia each week and it is beyond the scope of this report to provide a complete audit of these places.

Instead we have categorised places where riding occurs, with more detailed description of those places where necessary as background to the recommendations (see: Appendix 1 Riding Locations)

Type of Place	Status for Registered / Licenced	Status for unregistered / unlicenced
Purpose-built circuits under Club control	Legal	Legal
Designated Off Road Vehicle Areas	Legal	Legal
Commercial Riding Parks	Legal	Legal
Public roads network	Legal	Not legal
National Parks: gazetted roads and tracks	Legal	Not legal
National Parks: management tracks	Not legal	Not legal
National Parks: user-created tracks	Not legal	Not legal
State Forests: gazetted roads and tracks	Legal	Not legal
State Forests: user-created tracks	Not legal	Not legal
State Forests: temporary user-created tracks where specifically permitted for and only while competing in Enduro events	Legal (also legal for B Class registered bikes)	Not legal
Parks and Reserves (excluding public roads)	Not legal	Not legal
Trails designated for non-motorised activities	Not legal	Not legal
Water Catchment Areas (excluding Reservoir Protection Zones) – gravel, graded or sealed roads that are open to the public	Legal	Not legal
Beaches (locations to be clarified)	Legal	Not legal
All other beaches	Not legal	Not legal
Private Property (with consent of owner)	Legal	Legal

LEGAL RIDING

Purpose Built Circuits

There are six club-controlled motocross circuits in the greater Perth metropolitan area (including two specifically for Juniors):

- Wanneroo -Junior
- Chidlow - Junior
- Wanneroo Senior
- Byford
- Noble Falls
- Henderson

These venues are managed solely for competition purposes, although club members may use the tracks for private practice.

There are also club-controlled motocross circuits in each of the major regional towns and rural areas.

Designated Off Road Vehicle Areas

WA is unique amongst Australian states in that it is the only state that declares off road vehicle areas on public land for the benefit of riders of bikes and quads that are not road registered, and for riders, especially juniors, who do not possess a driver's licence.

The mechanism for this is the Control Of Vehicles (Off-Road Areas) Act 1978 which is dealt with in detail elsewhere in this report.

There are currently five designated off road vehicle areas for riders from the Perth metropolitan region and one small area in York. These areas are:

Area	Approx size	Designated for:	Status
Lancelin (inc Ledge Point)	400 Ha	ORVs of all classes and sizes, including buggies	Open, Under threat ²²
Gnangara	225 Ha	Motorcycles, Quads	Open, Under threat ²³

²² Gingin Shire has requested temporary closure of the Lancelin / Ledge Point facility. The matter has been referred to the Off Road Vehicle Advisory Committee who will make recommendations to the Minister for Local Government.

²³ The Gnangara pine plantations are likely to be harvested to reduce impact on the Gnangara mound water supply. This is likely to result in, at the least, a temporary closure of this facility.

Pinjar	250 Ha	Motorcycles, Quads	Open
Chidlow	N/A	Junior MX	Not available to public ²⁴
Medina (Kwinana)	20 Ha	Motorcycles	Temporarily Closed ²⁵
York	2 Ha	Motorcycles	Open

A sixth area on Toodyay Rd Red Hill was de-gazetted in June 2003.

Lancelin and Gnangara in particular get very busy on weekends, however most respondents to the rider survey indicated an unwillingness to ride at the designated ORV areas.²⁶

Where do you regularly ride? (check all that apply)				
answer options	Never	Once only	Occasionally	Regularly
Gnangara Off Road Vehicle Area	56%	15%	20%	10%
Pinjar Off Road Vehicle Area	68%	10%	14%	7%
Lancelin Off Road Vehicle Area	43%	11%	25%	21%
Medina Off Road Vehicle Area	83%	7%	8%	3%

Quad riders were most likely to be regular riders at all 4 ORV areas.

Where do you occasionally/regularly ride?					
answer options	Road Reg	Unreg	MX	Quad	ALL
Gnangara Off Road Vehicle Area	22%	31%	34%	37%	31%
Pinjar Off Road Vehicle Area	16%	23%	24%	24%	22%
Lancelin Off Road Vehicle Area	34%	45%	54%	60%	48%
Medina Off Road Vehicle Area	10%	6%	12%	12%	11%

²⁴ The Chidlow area is leased to the W. A. Junior Motocross Club and is a dedicated motocross racing circuit for use by members of that club and so cannot be classified as a publicly accessible ORV area.

²⁵ Medina has been temporarily closed since July 2006 and the Town of Kwinana voted in October 2007 to request permanent closure.

²⁶ See Rider Concerns, Riding Places (Appendix 1) and Rider Survey

A partial audit of areas where trail and quad bike riding occurs, both legally and illegally, has been undertaken for this study. More details on many of these areas can be found at Appendix 1.

Commercial Riding Parks

There are currently no known commercial riding parks in Western Australia. One used to operate on a 600 acre farm near Quindanning but closed when its operator moved to Perth for family reasons.

Another operated as a private motocross facility on a 46 acre farm near Kauring (York) until it was forced to close due to issues with planning approvals. Originally established so that the owner's son would have somewhere safer to ride (than ORV Areas) the facility became popular by word of mouth to the point that on any weekend over one hundred riders were visiting. According to the owner the facility operated trouble-free for seven years.

DEC Managed Land

The Department of Environment and Conservation (DEC) controls over 37,000km of roads, tracks and trails over more than 26 million hectares (or nine per cent) of lands and waters in national parks, conservation parks and reserves, marine parks and reserves, regional parks, nature reserves, State forest and timber reserves. DEC is the largest provider of nature-based tourism and recreation opportunities in Western Australia with an annual total of over 11 million visitors.

Registered bikes and licenced riders can legally ride on gazetted public roads and tracks in State Forests and National Parks.

Private Property

Provided that the landowner's consent is obtained it is legal to ride on private property, whether or not the vehicle is registered or the rider is licensed. Issues can arise when the activity on private property creates 'unreasonable noise'²⁷.

ILLEGAL RIDING

Illegal riding occurs in many places throughout the state:

Public roads network

Riders without licences will often ride on suburban roads to get from their home to the place where they will ride. Usually the destination is also illegal.

State Forests, National Parks and other DEC-Managed land

Illegal riding in forests and other public land takes many forms – some more benign than others.

Registered / licenced riders often ride on existing single-track trails that are either former Enduro trails or that have been created for other purposes. Some of these trails may have been created for legitimate reasons, such as avoiding property boundaries or overly wet areas, however this doesn't improve their legal status.

²⁷ See reference to Environmental Protection Act under 'Noise' and 'Underpinning Legislation'

Riders of unregistered trail or motocross bikes often choose to ride in forests because the quality and diversity of riding is superior to that found in the designated ORV areas and / or because they have concerns for their personal safety in the ORV areas and / or the ORV areas, for what they are, are too far to travel.

Many parents bring their children to forest areas, knowing that they are doing so illegally but preferring the risk of prosecution to the risks that they perceive to exist at (and the unsatisfying nature of) the designated ORV areas.

Other parents choose to ignore the law so that they can share with their children the scenery and experience of a loop or destination ride through forest trails.

Many of these illegal riding instances create no more impact on the environment, nor concerns for public safety than do the legal riders on registered bikes.

In other cases, however, there appears to be an attitude that if the act of riding illegally places the rider outside the law then this somehow suspends further responsibility or courtesy. Whether it is resentment at being placed outside the law, ignorance or just the manifestation of an inherent anti-social bent, the sad fact is that too many riders show no respect for their surroundings or other users.

Parks and Reserves, Beaches, Non-Motorised Trails and other Public Places

Of greatest concern within the metropolitan area and urban areas of regional towns is the illegal riding on parks, reserves, sporting fields, walk and bridle trails and other public places.

Noise, trail damage, destruction of vegetation, safety, liability and loss of amenity are just some of the causes for concern.

A problem area 'hot spot' register was compiled as part of the Community Survey research process. The following table show the areas that were cited as experiencing problems with trail bikes.

Note that this table is not intended to be exhaustive, and some known areas may have been recorded as being in more than one suburb:

Trail Bike 'Hot Spot' Register

Albany	Dwellingup	Malmalling	Redland Bay
Allanson	Edgewater	Mandurah	Rockingham
Armadale	Forrestdale	Manjimup	Roleystone
Avon Valley	Forrestfield	Manning Lake	Sawyers Valley
Bakers Hill	Geraldton	Margaret River	Secret Harbour
Balcatta	Gidgegannup	Mariginiup	Serpentine
Baldivis	Glen Forrest	Maylands	Singleton
Balga	Gnangara	Memameuca	South Bay
Balingup	Golden Bay	Merriwa	South Fremantle
Banjup	Gooseberry Hill	Metro Road	South Yunderup
Bedfordale	Gosnells	Midland	Stakehill

Bibbulmun Track	Gracetown	Minderoo	Stirling
Bickley	Green Head	Mirrabooka	Stratton
Binningup	Greenmount	Mount Gungin	Sullivan Rock
Boddington	Greenough	Mt Dale	Swan View
Brigadoon	Greys Beach	Mt Helena	Trigg
Brookdale	Gwelup	Mt Observation	Tuart Forest Natl Park
Bulla	Henley Brook	Munda Bididi Trail	Upper Swan
Bullsbrook	Herne Hill	Mundaring	Waggrakine
Bunbury	High Wycombe	Mundijong	Walliston
Byford	Hovea	Myalup	Walpole
Calista	Jane Brook	Nangagurring	Wandina
Canning Vale	Jarrahdale	Nannup	Warnbro
Cape Burney	Julimar	Narrogin	Waroona
Carbrook	Jurien Bay	National Parks	Warroora Station
Carine	Kalamunda	Ningaloo Station	Warwick
Carmel	Kalgoorlie	Nornalup	Wedge Island
Caversham	Karagullen	North Bannister	Wellington National Park
Cervantes	Karnup	North Yunderup	Whicher National Park
Chidlow	Kelmscott	Orange Grove	Whiteman Park
Coral Bay	Kenwick	Parkerville	William Bay National Park
Dalyellup	Kojonup	Peaceful Bay	Woodvale
Dardanup	Kwinana	Pickering Brook	Woorooloo
Darlington	Lake Adams	Pinjarra	Wundowie
Dawesville	Lancelin	Pipehead Dam	Yanchep
D'entrecasteaux	Lark Hill	Point Moore	Yetar Springs
Dinninup	Lesmurdie	Port Kennedy	York
Donnelly	Lower Chittering	Queens Park	
Drummond Cove	Maida Vale	Quinns	

JUNIOR RIDERS

Junior riders require special consideration as they are denied choices that are open to adult trail bike riders. An adult can obtain a drivers' licence and buy a registered bike if they want to ride legally in State Forests and other public areas.

Junior riders, even when under parental supervision, do not have this option. They are confined by legislation to private property and designated ORV Areas.

Current legal options for junior riders:

PRIVATE PROPERTY, NON CLUB

- Family and friends – most urban blocks are not large enough for riding but some families may have hobby farms or rural properties, or know someone who allows them to ride on their property. This can cause noise problems with adjacent properties.
- Commercial – Since the closure of the commercial riding park in Quindanning there are currently no known commercial riding parks in WA.

Many families living in the suburbs and not having friends with property have no ready private property option.

CLUB

- Motocross – Motocross covers the highest proportion of junior competitive events. Members of Junior Motocross clubs can use the facility for private practice under supervision. Many juniors (and their parents) do not want to engage in competitive racing.
- Enduro – The Trail and Enduro Club holds Junior Off Road Events on private property. These are well organised, family-friendly and cater to both competitive and non-competitive riders. Twelve events were held in 2007 (6 coaching days and 6 competitions) and most were sold out, indicating a high demand for this type of activity.
- MotoTrials – A small number of juniors participate in trials events
- Quad – the ATV Social and Racing Club holds regular non-competitive ride days at its Guilderton track which is informally leased from the Shire of Gingin.

Club events are enjoyed by many juniors, and all those who seek the thrill of structured competitive riding become part of the club scene. Most club events cater well for kids, although motocross tends to be taken more seriously than Enduro or Trials events.

Despite the benefits of these events it is estimated that 95% of juniors do not participate in club activities, for any one or a combination of the following reasons:

Cost – Participating in club events involves expense. Annual club membership, meeting entry fees, MA competition or recreational licence, plus the petrol to travel to venues like Quindanning, Brookton etc (for Enduros), all adds up. For example the estimated cost to participate in all Junior Off Road Events held by the Trail and Enduro Club in 2007 (excluding bike maintenance and fuel) is \$750 for non-competitive and \$915 for competitive.

Commitment – Club events tend to be all day affairs, often requiring participants to be at a venue like Brookton at 8am. This differs from other sporting activities such as soccer or netball which may only take an hour or two out of the day. For Motocross events, the commitment may be all day (from 8.00am to 4.00pm) for three or four 10 minute rides.

Inflexibility - there are many people who prefer freestyle riding. Though they may enjoy going around the motocross club track they also enjoy getting the big air, doing the jumps, having a play and all those things are not really able to be done on a club motocross day track - even on a practice day.

Can't ride as a family – Junior club events run to strict machine separation guidelines which precludes families from riding together.

Competitive - There may also be misconceptions that these type of events are purely competitive and that it is not possible to enjoy these activities without getting all gung ho trying to win and having the pressure on – an attitude that seems to prevail in motocross events.

For these reasons, only a relatively small sub-set of the junior (and senior) riding population engages in club activities.

The last legal option is the designated ORV Areas.

ORV AREAS

- Lancelin – Southern area of car park tends to be used by junior riders, as it is slightly removed from the main dunes and facilitates line of sight supervision. There is no official separation of use and the area is used by four wheel drives, buggies and quads as well as trail and motocross bikes, giving rise to understandable safety concerns from parents. The soft sand is OK for quads but difficult for small wheeled bikes.
- Gnangara – Quieter areas suitable for juniors can be found, but they entail a long trip down the very rough access track. As a result most families congregate (reluctantly) in the busiest area close to Gnangara Rd. The very deep sandy tracks are difficult for small wheeled bikes.
- Pinjar – No specific areas appear to be favoured. Like Gnangara the sandy tracks are difficult for small wheeled bikes.
- York – Is well suited for juniors in that the majority of the track can be seen from the car parking area, however there is only one track that gets shared by all comers.

Many parents refuse to take their children to the legal ORV Areas because of concerns over safety, or the unsuitability of the terrain. For others, particularly those living south of the river, these areas are perceived as being too far away. For junior riders in regional areas there are few options.

Accordingly for many parents the preferred option is to take their kids somewhere quiet and local where they can ride in relative safety, albeit illegally.

ILLEGAL OPTIONS

Some parents take care to choose places where community concerns will be minimal. Places such as Abernethy Rd, Metro Road, Flynn Rd or other 'recognised' riding areas that offer more suitable (ie firmer) ground conditions and are less crowded than the ORV areas.

Others choose a riding area purely on the basis of personal convenience.

Still others permit their children to ride their bikes unsupervised from the home to a local riding area. Whether they condone this activity, turn a blind eye to it or are genuinely not aware of it is a moot point. The fact is that this practice occurs in disturbingly high numbers.

Although not specifically tested in the research it is considered likely that non-riding parents would be inclined to travel less distance to find an area for the children to ride than those who ride with their children.

Non riding parents are most likely to set up in an area where the riding occurs within sight – ie a short circuit close to where the car is parked, whereas parents who ride with their children are more likely to park their car and then access trail loops from that point. The older the child the longer the trail loop that can be ridden.

“Make places for riders to go. there was this really great spot out the back of Lakelands near Mandurah. Well the riders weren't near houses or other children only riders. This was a safe and fun place for them to hang out and get to know each other. My son went out on Saturday and it's all been demolished. People weren't harming anyone or the environment, it was a huge sand pile just dumped there and they made a use out of it, then the rangers decided to destroy it. What a shame. These kids had a place to hang out away from houses or making disruptions. All the rangers have done is push them back closer to the houses. It was the perfect place and they weren't even using it, only wanted the kids not to have anywhere to go. Can you please do something about restoring it or somewhere close by, before they come any closer to the houses!”

ECONOMIC IMPACTS

There is no readily available estimate of the size and value of the trail bike industry in Western Australia and it was beyond the scope of this project to conduct such an audit. However what follows provides an indication of the scale of economic impact of trail bike riding in WA.

Value of Employment

Information provided by the Motor Traders' Association suggests that there are around 100 dedicated motorcycle dealers and shops in Western Australia.

90% of these do cater to the off-road market and of those that do it is estimated that they would derive the majority of their revenue from off-road bikes, service, equipment, clothing and accessories.

MTA estimates an average of 5 staff per dealer or shop.

Therefore value of employment:

Average staff per business x number of businesses x est average salary x % attributable to off-road

$$5 \times 90 \times \$50,000 \times 60\% = \underline{\$13,500,000}$$

Sales Turnover – New Bikes

The following is extrapolated from data supplied by the Federal Chamber of Automotive Industries. It does not include sales of Chinese imports.

Category	Sales 2006	Est Avg Cost	Total Value
Fun	1,358	\$2,500	\$3,395,000
Trail	574	\$5,000	\$2,870,000
Enduro	1,428	\$11,000	\$15,708,000
MX	2,241	\$10,000	\$22,410,000
Farm	214	\$ 5,000	\$1,070,000
ATV Sport	2,050	\$ 7,500	\$15,375,000
			\$60,828,000

Sales Turnover – Used Bikes

It is generally considered that there are two used bikes sold for every one new sale. Taking just the Enduro and Motocross categories and averaging a value of \$5,000 results in a turnover of **\$37,000,000**

Trail bikes, fun bikes and ATVs are not included in these figures as the used ratio is much lower through the retail shops.

Parts and Accessories

No data is available, however estimates prepared for the South East Queensland Trail Bike Management Forum²⁸ suggested a figure of \$3,000 per rider.

This delivers an estimated value, based only on new bike sales of **\$23,595,000**

Fuel

Again, no hard data is available, but if we take the previously derived estimate of 1.5 million riding events per annum and assume a conservative estimate of \$5 in fuel per 'event' we add \$7,500,000 to the economic impact.

Contribution to local communities

Riders on destination rides need to eat and drink, and often require accommodation for overnight stays. On the night prior to the Adventure Rally this year all accommodation in Harvey was booked out by riders.

Clearly trail bike riding brings economic benefit to towns that are the origin or destination of a ride, quantifying the extent of the economic benefit would require a separate study.

²⁸ South East Queensland Trail Bike Management Forum 2003 Series Workshops

HEALTH AND SOCIAL BENEFITS

Generally when raising the health and social aspects of trail bike riding, the negative impacts of injury and social conflicts are discussed. However riders enjoy trail bike riding for the perceived health and social benefits that the activity brings.

From a health perspective – the activity is physically and mentally demanding. Non-riders may perceive that riders are passive on the bike. However the rider is continually moving, is standing most of the time and both upper and lower body are constantly exerted. A degree of physical fitness is required particularly on challenging trails. The exercise and fitness aspects of the activity are key to the enjoyment of most riders. Parents in particular cite the benefits for children in being outdoors and physically active.

The activity is mentally engaging with a high degree of concentration required, so for many riders along with the physical demands trail bike riding provides stress relief and relaxation.

Socially trail bike riding provides for time with friends, family and other like-minded people. Families in particular credit the activity with providing quality family time and an opportunity for parents and children to bond over a shared interest. There are not many activities that are particularly popular with children, teens and young adults that can be shared with parents.

“It keeps me active and allows me to interact with my children. In a world where tv and video games rule the house, it's good to have something in common with my kids that both gets us out the house and allows us to bond as a family. When we go riding we go for the day, take along the portable bbq and just have fun in the bush.”

It is a hobby, an interest and an outlet. When undertaken in a responsible manner, parents and their children claim that trail bike riding had kept them out of trouble, away from drugs and off the streets.

I am a mother of 2 children ages 8 & 16 ,and we became involved in motor bike riding 2 yrs ago when I bought my older son his first bike. We had a lot of family tragedies then and my children's lives were in turmoil. I wanted to find something we could do as a family and why not motor bike riding? It was the best decision I had made as my children's lives became so much happier, it was something new to them. After my oldest son got his I bought my youngest a quad and myself a Yamaha 125. I noticed with all the upsets we were experiencing in our lives that this was the 1 thing that keep us together as a family. My 16 yr old became very confident in himself and that is something he always struggled with. We ride with a lot of families now and its helping our children immensely.

Encouraging the ‘X-Box’ generation to take up physical outdoor activities can be a challenge. Trail bike riding is a real-world extension of the gaming console fantasy and can be an opportunity to apply skill, judgement and physical coordination to a real machine instead of a joystick.

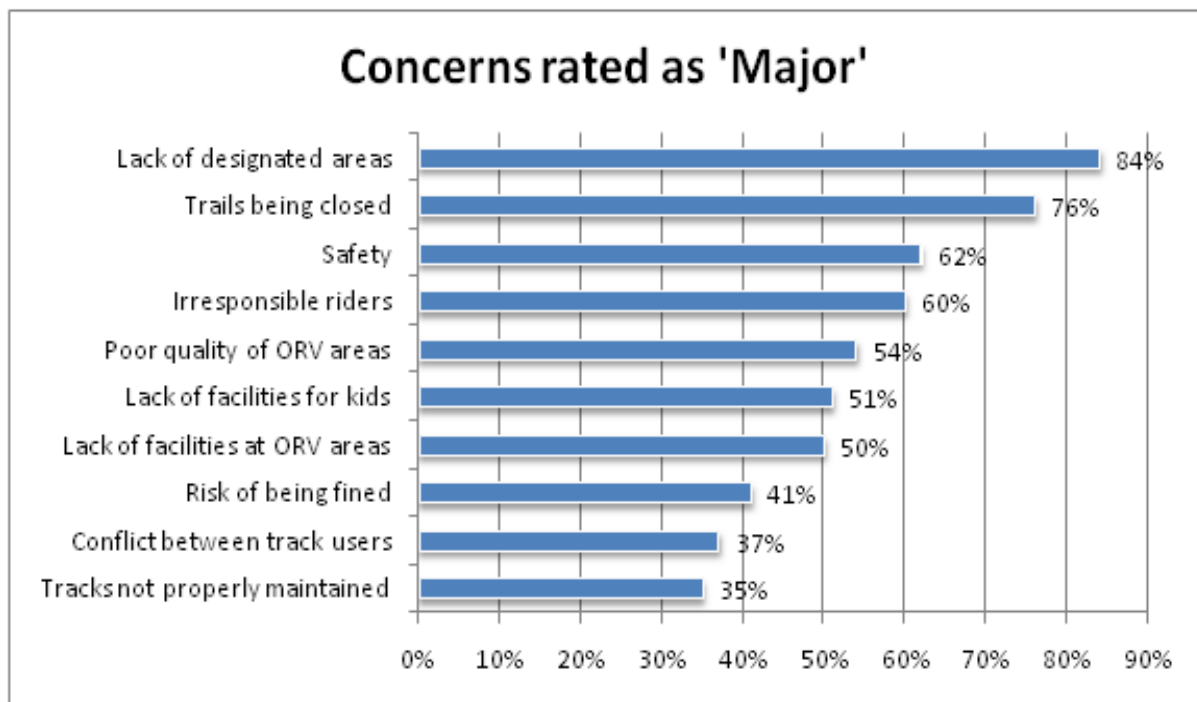
TRAIL BIKE RIDER CONCERNS

A comment from a trail rider via the online rider survey summarises the rider perspective –

“There is clearly a growing demand for this leisure activity, but no real acceptance from those that don't choose to participate. Unfortunately with population expansion, people looking for more leisure activities, the introduction of cheap bikes and quads from China, there will be more problems with illegal use of these vehicles. Let's try and promote everyone to be sensible, legal and respectful of the environment around you, or nobody will want you in their backyard. The challenge is to stop the idiots spoiling it for everyone, and for its popularity not to be its downfall.”

– Rider Survey respondent

The concerns shown and discussed here are in the order they were indicated in the rider survey and from consultation within the trail riding community. All respondents were asked to rate their biggest concerns about trail bike riding – these were:



LACK OF DESIGNATED AREAS / TRAILS BEING CLOSED

The core issue for recreational trail bike riders is the lack of approved, safe riding areas that provide the experience that trail riders seek. Unlike in other States there are no commercial riding parks; there are 3 currently available off-road vehicle areas with their own issues (see below and previous section), roads are being closed and many of those that are available have conflicts of use.

Urban encroachment and the closure of environmentally sensitive areas (or the more stringent enforcement of existing prohibitions) is reducing the land available and is causing the increase of illegal riding and therefore the increase in enforcement required.

With over 37,000km of roads, tracks and trails managed by DEC (of which approximately 80% is unsealed) there are many opportunities for licenced riders of registered trail bikes. However many of the smaller trails and tracks are being closed as DEC deems them not needed or doesn't want to maintain them; are closed to vehicles to prevent the spread of dieback; and as increasing legislation, policy and planning constraints impact on recreation within Water Catchment areas.

The impact of trail and land closures is serious. With fewer 'sanctioned' areas to ride or available tracks and trails, there will be an increased load on those remaining available areas, increasing collision risk. Worse, it can be expected that a lack of adequate sanctioned riding areas and trails will force more riders into unauthorised areas, increasing their risk of fines, marginalising trail riders and increasing potential for conflict with other recreational users.

“areas are put aside for horse riders and walkers but very little is done for a large and rapidly growing number of offroad riders. More areas should be opened not closed. eg Red Hill, Kwinana and Lancelin”

“Given the huge amount of Crown Land in state forest there should be no reason why at least 3 or 4 areas within 1 hour of Perth couldn't be set up for one way enduro loops. This is my biggest concern that enduro riders virtually have no designated areas whereas walkers, campers, mountain bikers all have trails everywhere”

“I believe the government bodies have a duty to provide suitable riding areas, as they do ovals and recreation centers for other sports. They currently are discriminating against motorcyclists.”

“What they already do for the skateboarder, bmxer, horse riders, 4 wheeldrives, walkers, and mountain bike riders give them somewhere to ride”

“stop closing down tracks and having a whinge about us riding on the roads when they close the tracks”

“Quit fining people for being on 'conservation' land, then bulldozing it the next year for houses.”

“Realise that there is a growing number of people who are getting into bike riding as a sport and for pleasure. Many of whom do not wish to belong to a club for motocross type riding. Instead prefer to ride as a family group, sometimes with friends. All of these people would do the right thing if they could, but need somewhere to ride. Our shire councils need to be proactive by working in conjunction with the relevant authorities and provide urgent places to ride. By simply trying to fine or stamp out riding will not solve the problem.”

It is also getting increasingly difficult for enduro clubs to access land to hold events. Public and resident backlash has increased land manager resistance to providing public land for events. Increasingly clubs are forced to rely on private land owners to agree to hosting the event.

The designated off-road vehicle areas are too limited to meet the needs of the growing population of trail bikes that cannot be registered for legal public road use. All three are located in the northern outskirts of Perth and are therefore not easily accessible to the large catchment in the south metro areas or regional areas.

“Medina offroad is close to our home, but now closed and most of the others are too far away.”

There are also concerns from regional areas – most notably Albany and Geraldton which have recently experienced ORV area closures:

“In Albany all unlicensed off road vehicles are banned from every beach and reserve in the shire. We are only allowed to ride on the motocross track, that is not practical for some families. We would like some areas of beaches and bush opened for bike riders. Not all kids want to ride round and round a mx track, and not all parents want their kids to learn on a mx track.”

“Allow riders to use the sand dunes at Southgates Geraldton and stop closing all areas in Geraldton. This only encourages bike riders to use areas and trails set aside for walkers etc and there is going to be an accident one day. They are forcing riders to use these areas illegally. I live on acreage and my boys use this.”

“Open Cheyne Beach for bike riders again and other beaches where we used to be able to ride until a few months ago. Sack the councilors and pick new ones.”

SAFETY AND INJURIES

Tread lightly Australia²⁹ noted the following safety issues in relation to safety issues relating to riders and non-riders using the same places include excessive speeds given the terrain, other riders travelling in the opposite direction, other users including walkers, cyclists, horse riders and four-wheel drivers and dangers posed by booby traps designed to harm riders. The safety risk is further exacerbated by riding in bush locations remote from emergency services and by often inexperienced riders on performance trail bikes riding on rough bush tracks.

Most of the safety concerns raised by trail bike riders in the survey related to the crowding in the off road vehicle areas, the rubbish at Gnangara, conflict with non-riders (being threatened and abused, concerns about wire across tracks) and the general lack of trails planning that could result in head on collisions with four wheel drives or other trail bikes.

When asked what could be improved about the ORV areas;-

“Larger areas, rules laid about regarding use and safety for users and other riders. Steps to take in emergency and things to do to avoid collisions and injuries.”

“Safety is a big issue. Some of these places are quite dangerous when busy. What can be done? Direction indicators, special mini bike only areas, large bike only area, quad only areas and areas for all. Some of these type of measures may take the congestion off all areas.”

“They are a disgrace. My wife will not go to Pinjar and Gnangara as they are full of rubbish and car wrecks. The stupidity of other riders is also a real worry - no helmets, no boots, noisy old bikes and many ill disciplined riders just hooning about. It feels unsafe.”

“Safety awareness campaigns and signage. Maintained and managed premises. Safe spectator areas.”

“I would go there a few times a week if it could be made safer. There needs to be fenced off tracks for kids and adults so there is controlled areas. I refuse to take my kids there now while it’s all open, if there was proper fenced tracks and everyone going in the same direction.”

“I do all my riding on private property, because of concerns about safety, hoons etc. Would love to see a structured environment.”

²⁹ New South Wales Off Highway Vehicle Trends – Report to the Federal Chamber of Automotive Industries Motorcycle Division. Tread Lightly! Australia Ltd

IRRESPONSIBLE BEHAVIOUR

Nuisance behaviour as described under *Community Concerns* is also a major concern for trail riders who correctly perceive that the minority “hoon / ratbag” element is creating a bad reputation and image for all riders which in turn is increasing the conflict in general between all trail riders (even responsible ones) and the community.

With otherwise responsible riders, including families, riding illegally in unauthorised areas, the task of discriminating between these benign groups and those that are likely to cause environmental damage and social nuisance is difficult. This dilutes the effectiveness of Rangers as behaviour control agents.

“Concentrate on catching the selfish idiots that ride around the street on unregistered bikes, who give registered, responsible, real riders a bad name to the general public!”

“I am concerned that all riders get blamed for one or two 'hoons' riding irresponsibly. Anyone caught riding irresponsibly should be fined (e.g. riding without a helmet or speeding on roads) but laws for this should not be too tight as then there would be fines for little things such as riding too fast which would cause a disruption within the riding community”

“Improve our image held by the general public as hoons and show that trail riding is just another sport, that we have the right to participate in.”

“Catch the idiots who annoy people”

The sub-culture particularly of younger riders who see motorbikes as “anti-establishment” and a vehicle for vandalism is a concern for mainstream riders. Riders themselves are calling for stronger policing of the “hoons”, to improve safety, get rid of this element and improve the public image of trail bike riding.

POOR QUALITY OF OFF-ROAD VEHICLE AREAS

“These areas are unfortunately waste lands of no conservation value. Consequently, they are major dumping sites and the land is NOT scenic or attractive. An analogy would be, “like expecting people to fish in a dam at the dump”. Better than not fishing at all I guess, but don't expect too many people to enjoy it and if there are crowds, it takes away from it even more. These areas are also dangerous with rubbish and the excess number of riders ride in all directions, crossing paths etc. would be nice to have one way trails so there is less chance of a collision.”

Respondents to the survey who indicated that they had ridden in an ORV area – were asked “What do you like about riding in the designated ORV areas?”. The most common response was simply that they only rode there because it was legal. Apart from the uniqueness of the Lancelin dunes for those that like jumps and sand, there was nothing specific about the ORV areas that attracted riders. Because it was legal the riders could relax and ride without fear of hassles. However the majority of riders still did not enjoy riding in the ORV areas.

“The only good part with riding in a ORV area is that it's not against the law.”

“ABSOLUTELY NOTHING! I rode at Gngangara once in about 1980 I think. I was there for about half an hour and realised that this is more dangerous than drink driving, taking drugs, smoking, eating razor blades, and playing Russian Roulette all at the same time. I will never ride there again while this area is totally uncontrolled and downright dangerous. Also, even if the area was controlled and safe, the terrain offers no challenges for experienced riders, but is not suitable for beginners.

The majority of trail riders will not ride in these areas because they are seen as unplanned, unmanaged, unsatisfactory, uncared for and unsafe riding experiences. The issues with these areas have been discussed in detail in the previous section *About Trail Bike Riding – The Riding Areas*.

The undesirable nature of these areas means that many trail bike riders avoid them (in particular parents of young children), choosing to risk a fine – or even confiscation of their bike – by riding illegally in industrial areas, other bushland or other trails.

“... there is a severe shortage of designated areas, causing over crowding and therefore dangerous riding conditions, particularly for the younger members of a family who may be quite inexperienced. Hence we tend to seek a safe place to ride, that is not an ORV area.”

Lancelin is an exception, with riders who enjoy the dunes, like riding sand and like the terrain of big jumps – clearly enjoying the Lancelin area.

“Lancelin is good because of the amount of formed jumps, therefore you can find jumps that are not crowded & you can always find an area to ride challenging but where you're capable of riding.”

“I love the Lancelin dunes open area, for many people it’s great.. the Gnangara pines are not very well maintained so we don’t venture there much at all.”

Gnangara is seen as a sandy, whooped out rubbish dump and play ground for “hoons”.

“Gnangara pines is a horrible place, so many idiots just blasting up and down the straight road sometimes without helmets giving all riders a bad name. I used to ride there but wouldn’t go there again. There needs to be some sort of one way circuit to ride, some jumps and nice corners to challenge riders rather than have them blat up and down a track at full speed in all directions. It’s plain dangerous and asking for a head on collision. I also find it quite boring.”

The lack of adequate facilities makes it difficult to direct unregistered trail bike riders to the designated areas.

“As a ranger myself, usually rangers are out to educate people about where and where not to ride. If there were more places to ride they wouldn’t have to (be enforcing) and rider wouldn’t have to worry about them. The government could just dedicate one or two areas in each council/ state government area which is a controlled safe area. I know it is something that has a lot of problems involved eg safety, insurance, liability but it would save so much hassle in going out and policing this major problem. “ - Rider Survey – Ranger

The 30% of respondents who have never ridden in the off-road vehicle areas were asked why not. Many were unaware of the existence of the ORV areas, for most they were too crowded and too far away (particularly for regional respondents) and were generally seen as attracting “hoon” riders.

Why don't you ride in these designated ORV areas?		
Too small	Too many people	Too far away
None in rural areas	Didn't know they existed, don't know where they are	Too dangerous
Not managed or controlled	Too much rubbish, not nice places	Boring terrain
Tracks too sandy, boggy	Tracks unmaintained and whooped out	Have a registered bike – don't need to go there
“Idiot” riders – attract hoons	Don't like riding with 4x4s around	Want to explore new terrain, not ride in circles
Not suitable for children		

JUNIOR RIDERS AND UNLICENSED BIKES

The lack of suitable areas to ride is most keenly felt by junior riders and riders of bikes not able to be registered. Some of the biggest growth in motorbike ownership is in the categories of ATV's, mini-bikes and motocross bikes and junior riders. The continuing growth in sales of bikes which cannot be legally ridden on public roads is creating increased demand for legal venues to ride. Additional pressure is coming from parents of junior riders seeking legal and safe areas to ride. In particular this causes problems for families who wish to ride together and may have a mix of registered and unregistered bikes and ATVs – their only options are to ride on private land or in the designated off-road vehicle areas.

“The final thing on my “wish list” would be a “junior motorcycle license” so kids could ride legally while in the company of their parents. The long term flow on benefit would be when they turn 17 they will already have vehicle skills in difficult conditions making them safer drivers.”

The poor availability of legal, council managed or privately owned and operated venues and trails is resulting in these groups increasingly venturing onto public land and riding illegally on public roads.

“See, the thing that gets me with the anti-fun numpties around the place is that they close all the off road areas citing environmental reasons, but then spit it when kids go cutting up in the local park on a dirtbike. They do this because there is nowhere to ride. So then with one less recreational outlet for kids these days, there is one less excuse to get into the outdoors and one more excuse to get hooked on smoking rock or get involved with something equally as life-wrecking. The powers that be want their bushland protected at the expense of everybody but they don't want to deal with an obvious social outcome as a result of it.”

The ability of unregistered bike riders to have their recreational trail riding needs met are becoming more constrained. As a consequence of this, riders are seeking purpose built venues and sanctioned trails to meet their needs. These riding areas and trails need to be dispersed throughout the outer metro and regional areas to cater for the whole population of the state.

“Allow me to take my kids to the bush to ride their unregistered bikes without fear of persecution. Happy to follow guidelines such as maximum distance from trailer, not on bitumen, with registered adult supervisor etc.”

“The freedom of having a family day out with my kids. It's a sport we can all enjoy and my children are learning skills before they get a car on how to steer etc and road rules and responsibility. We have never had an accident when riding our motorbikes.”

“Designated off road areas so I can take my kids, would also keep unlicensed vehicles out of the state forests. I would like to ride with my kids but I can't - won't take them to the current areas.”

LACK OF COMMUNITY ACCEPTANCE - CONFLICT

Conflict between riders and residents and riders and other trail users is also a major concern for the riding community.

Conflict between trail users is a major problem. Conflicts usually fit into either of two categories: direct conflicts (usually 'frights' arising from meetings on trails), and 'ideological conflicts' (relating to some trail user's philosophical objections to motorised trail activities).

"People on horses can be very abusive. Whenever I see a person on a horse I slow down and keep out of their way and they still abuse me. They think they own the place."

Riders are now experiencing aggressive behaviour directed at them as frustrated and unaware residents and trail users take matters into their own hands. There have been a number of reported incidents of riders being physically and verbally attacked whilst out riding.

I have been abused by a member of the public who stopped me riding legally down the street because he thought I was the idiot who monoed past him at high speed. He stopped me because the bike looked the same and had the same colour. He failed to notice I had a headlight and a numberplate and the idiot didn't."

In the first instance this conflict is caused by discourteous riders and/or by an ongoing noise problem. However aggressive behaviour by residents and trail users has then been directed at responsible and legal riders. In this instance the conflict is caused by a lack of information for and understanding by residents and other trail users about the legitimate use of trail bikes.

"Perception in WA that all off road riders are ratbags. In Victoria off road riding is accepted/encouraged in proper areas. The State Emergency Service even uses riders when people go missing to help search areas. In WA you can take a two tonne Land Cruiser bush with no questions asked, but go in on a motorcycle and everybody jumps on you. Even with a fully registered bike and a full licence."

Trail riding as an activity, and riders as a community, are also experiencing image issues in the media and within the general community. Articles often preface the term trail biking riding with the word "illegal" – further extending the misunderstanding that all trail bike riding is illegal.

"Try to be more positive about our sport. If they met the majority of guys that ride they'd soon realise that the dedicated trail riders are completely different to the guys riding the streets on unlicensed dirt bikes with no helmet. The sport kept me off the street as a child as I had an interest. By promoting the sport and giving adequate offroad areas they could make our sport much more socially accepted and give young people in particular a reason to stay off the streets."

ENFORCEMENT RISKS

Riders of unregistered bikes are concerned about the risk of fines when they ride outside of the off-road vehicle areas. Riders of registered bikes are still concerned about risks of fines if they accidentally, or deliberately, ride on closed trails.

Whilst most riders will “cop it sweet” they are frustrated about being fined when they claim lack of signage and information doesn’t give them the chance to do the right thing.

Many riders of unregistered bikes “run the gauntlet” outside ORV areas because they don’t want to ride there, but they want to ride.

“I hate it, besides Lancelin there are no good legal riding areas. I find it unfair that we are almost forced to ride in illegal areas and then we are fined. Most people prefer to ride legally so give us a place to ride that is not too far and we won’t need to ride in illegal areas.”

“...was stopped in Mundijong area and asked Ranger where I can legally ride. He said Pinjar (80km away) or Gnangara (90km away) so I loaded my bike and went home”

Many riders, even responsible family riders, elect to face fines and amortize the costs, rather than ride in the ORV areas.

Of concern is the increasing attitude and actual behaviour amongst some riders to evade rangers rather than be fined or have their bike confiscated.

“took off! I've heard of people getting massive fines, so I wasn't going to find out whether those stories were true. Christ the price of living is already bad!”

This has further safety and irresponsible behaviour issues. This behaviour frustrates rangers who may taint all riders with the same brush and then treat riders who voluntarily stop to talk as if they are “hoons”.

“I stopped to ask if there were any problems and to assist, they did not wave me down. If I wanted to it would be easy to ride away but I try and do the right thing. ... they did not conduct an appropriate interview, no caution of any type (lucky for them I paid [the fine] and didn't contest it in court really!) They also stated "you shouldn't have stopped and then you wouldn't have got the fine", I just said I stopped to do the right thing, what are you trying to promote? I also informed them that there were no signs and to my knowledge a closed area requires signage, they just stated "you people pull them down". I have never touched a sign or a fence or gate, if it is closed I don't go in. I do the right thing, so I was offended. Anyway, they obviously didn't give me a good impression but they are not the legislation makers, they are the plebs doing what they are told so I can't blame them for the laws, just for their attitude.”

Whilst generally the riders are understanding of the job the rangers have to do, and some feel they do a good job in a difficult situation, there is a clear inconsistency about the approach that rangers take:

“I have no problem with rangers doing their job. Most will tell you where you can ride and send you off to designated areas if you have strayed. I have found most rangers to be helpful if you do the right thing by them. Also it does concern me that a ranger can fine me for riding an area and say that it is because of damage to the environment only for that area to be bulldozed for a suburb a few months later! I.e. Alkimos (what on earth is the ranger being told to do there?) They should save areas they can save and stop wasting time and resources on areas that are booked for something else!”

During the research for this project the following additional issues were identified. Whilst they may not be at the forefront of trail rider concerns, they are underlying issues that contribute to the current situation.

LACK OF INFORMATION

Trail bike riders are calling for more information about where they can and cannot ride. Online forums are full of riders asking where to ride and when the project team for this strategy had a stand at the Motorbike Show the number one question riders had was “where can we ride? Where can we ride with our kids?”.

“Make it clear where we CAN ride. Various authorities seem to have vague ideas about what is or isn't ok (such that we end up riding under questionable rules).”

Very few knew about the Off-Road Vehicle Registration needed to legally ride in the ORV areas, and a number of riders didn't even know about the existence of the ORV areas.

“Did not know they existed, I only knew about the one off Thomas Road (Medina) and that has been closed for several months now – don't know why? How do I find them?”

There is mass confusion about legal requirements relating to registration and licensing and where to ride. The current Recreating Off Road brochure prepared by the Control of Vehicles (off-road areas) Act Advisory Committee (DLGRD) is out of date and the map is inadequate.

“Ranger could provide no information on what we were doing wrong or where we could ride. We only stopped out of courtesy, could have easily blown him off. He told us about a website that did not exist and even with Google could not find any government info on registering bikes or designated riding areas. Was a complete joke.”

Trail riders are bounced from local government to DEC and back again when requesting information. Whilst some rangers are to be commended for using initiative and sourcing their own information to hand out to riders, some of this information is wrong and misleading. For example information has been provided pointing riders to York stating that the area was 28 hectares in size – only for the riders to make the 3 hour round trip to find a 2 hectare small motocross track.

Generally most people want to do the right thing – as long as they know what it is.

A basic premise is that educated riders are responsible riders, and responsible riders keep riding opportunities open and reduce impacts.

Management Guidelines for Off-Highway Vehicle Recreation, Tom Crimmins, NOHVCC

There is confusion about where trail bikes can and can't be ridden – and not just among riders.

A registered trail bike ridden by a licensed rider can be used on any road or trail that is open to the public for vehicular traffic. This concept seems simple enough, but often the determination of whether a trail is an open or public road is not so straightforward.

A track that is overgrown to the point of being barely visible may still be deemed a public road, while a well formed and regularly used firetrail may not. Licensed vehicles are permitted to drive within water catchment areas, but only if the road has a graded, gravelled, sealed, primed or other prepared surface. Sometimes it is difficult to tell where a gazetted road ends, especially if the trail or track continues or opens up into unallocated Crown land, un-signed private property or other open space.

There have been numerous reported cases where riders have been stopped and even issued infringements in areas in which they were legally entitled to ride. And there is a strong likelihood that a proportion of community outrage is mistakenly directed at riders exercising their legal privilege to ride on public trails.

The issue is more straightforward for unregistered bikes and unlicensed riders. Other than private property, these machines can only be ridden in designated off road vehicle areas. Even in this, however, the lack of consistency in application of the Control Of Vehicles (Off-Road Areas) Act can also create confusion in that some non-metropolitan Shires tolerate riding on beaches or other public areas without specifically gazetting these areas for off-road vehicle use.

FUNDING INEQUITIES

Trail bike riders feel that there is an imbalance between the budget and facilities provided for trail bike riders and participants in other recreational activities. Many referred to being tax and rate payers yet having no resources for their chosen pastime.

“My tax dollars should be spent on improving or creating areas to ride rather than legislating against the use of motorbikes”

“Provide funding to the same level as football, netball, basketball etc to be used to provide a range of off road trails throughout the state. Introduce a “Recreational Rego” scheme. The income from this, combined with other rates, taxes, and GST generated by riders and the motorcycle industry in WA would more than cover the set up and maintenance of a fantastic trail system. The two things combined would remove most of the current problems in residential areas.”

Until this project, no specific funding had been allocated to the trail bike issue and there does not appear to be any documented basis for how such funding could be calculated. For example there was \$3 million provided by the Department of Sport & Recreation trails in funding program approvals from 1998 to 2004 for the planning, construction, upgrade and promotion of non-motorised trails versus zero expenditure on facilities for recreational trail bikes³⁰.

This is partly because funds for Trails Grants come from LotteryWest which does not currently recognise motorised trails.

“I believe the government bodies have a duty to provide suitable riding areas, as they do ovals and recreation centres for other sports. They currently are discriminating against motorcyclists.”

³⁰ Future Direction of Trails Development in WA, Department of Sport and Recreation 2004

LACK OF GOVERNMENT ACCEPTANCE - POLICY EXCLUSIONS

From the survey and interviews throughout the project there was a very strong theme of asking the government and the community to accept trail bike riding as a legitimate activity and to be more supportive of trail riders – there is certainly a feeling of persecution.

“respect us & not treat us as criminals because we have a hobby. We could be lazy & do nothing-but we are active & have no support or resources.”

“recognise trail riding in the same light as trail walkers and mountain bikes. In 15yrs of riding I've seen less than 5 people using the Munda Biddi and Bibblemun track yet trail riders have nowhere to ride”

Until DSR, DEC, DPI and DLGRD combined to fund this strategy, no government agency had taken the lead in this issue, which has been ongoing now for many years. Not only has no agency taken leadership, but no government agency has adequately engaged with or catered for recreational trail bike riding. This has resulted in trail bike riding being excluded from most positive and proactive policies. Generally the only time trail bikes even rate a mention in policies is in those that seek to restrict their use.

Such policy exclusions stigmatise the activity and leave trail bike riders disenfranchised.

DEC's *Strategic Objective 3* from the Department's Corporate Plan 2002-2005 addresses the need to maintain community involvement and includes strategies to establish alliances with key stakeholders in the conservation, natural resource and recreational sectors. DEC has developed strategic community partnerships with Track Care and the WA4WD association to educate the State's 4WD community on the need to minimise environmental damage when using 4WD vehicles. DEC has plans for a similar Memorandum of Understanding (MOU) with the Mountain Bike Association.

No such alliance, collaboration or partnership has been undertaken with recreational trail bike riders. Until recently this would have been difficult as there was no association representing this group until the formation of the Recreational Trail Bike Riders Association (RTRA) in 2007.

HEALTHY PARKS HEALTHY PEOPLE

Healthy Parks, Healthy People is a DEC initiative to encourage people to enjoy themselves in parks by promoting the physical, mental and social health benefits of spending time in nature.

“Healthy Parks, Healthy People is in response to international research, which shows that parks don't just protect biodiversity and other essential life systems, but are fundamental for human health and wellbeing. Parks are a great way to improve your health and well-being. Visiting a park is one of the simplest and cheapest ways of improving your health. Parks provide space for physical recreation, peace for restoration from urban stress and opportunities to meet new people and socialise with friends and family DEC manages 25 million hectares of national parks, marine parks and reserves, State forests, conservation parks and nature reserves, and is the

*largest provider of outdoor recreational opportunities in Western Australia.” -
www.naturebase.net*

The majority of respondents to the project survey indicated that one of the main reasons they enjoy trail riding is to be out in the bush, enjoying nature – just because they are on a trail bike doesn't diminish their enjoyment of the natural surroundings.

PARKS AND RECREATION

One of DEC's main roles as a conservation agency is to deal with, and provide for, public involvement, visitation and appreciation of the natural environment of the lands and waters it manages. Public land managers have an obligation to manage public land sustainably for a broad range of uses whilst conserving flora and fauna and protecting the natural resources. Understandably this requires a difficult balancing of conflicting requirements.

DEC's Naturebase Website provides "Visitor Information" encouraging Bushwalkers, Campers, 4 Wheel Drivers and Mountain Bikers to enjoy WA Parks.

"Each year, more and more people are discovering that the best way to experience Western Australia is to pack up their 4WD and head bush."

"Mountain bike riding is a great way to enjoy the natural environment, as well as providing significant health benefits to riders." www.naturebase.net

There is one glaring omission – no information for Trail Bike Riders. This omission creates the inference that trail bike riders are not welcome and are intruders in parks.

A review of recent land management plans indicates little if any real appreciation of the needs of registered trail bike riders. CALM Policy 18 "Recreation Tourism and Visitor Services" does not deal with this issue in any detail nor provide specific guidance for managers in dealing with the range of management actions and responses required³¹.

Where trail bikes are mentioned at all it is as though they are simply a 2 wheeled version of a four wheel drive. This is a fundamental problem as the needs of these two groups are quite significantly different. Amongst other issues, categorising trailbike riders with 4WD drivers effectively means that if a track is unsuitable for 4WD use it will automatically be closed off to all vehicles including trail bikes. Thus some of the most attractive riding, such as old logging tracks, could be designated off-limits to riders.

The Department of Conservation and Land Management (now DEC) acknowledged this issue themselves in their Off-Road Vehicle Summit, Workshop Report in 2006 where they saw marginalisation and equity as key concerns:

³¹ The Management of Off Road Vehicle Use on CALM Managed Land, 2004

- Marginalisation
- stigmatisation of ORV users
- less acceptable behaviour
- reduced access for communication
- reduced levels of responsibility; no incentive to behave responsibly
- equity – providing for some recreational groups

TRACKS AND TRAILS

DSR (TrailsWA) and DEC have Tracks and Trail Groups that cater for walkers, cyclists, horse riders and canoeists – to date neither include trail bikes.

Many Local Governments have, or are developing, Trail Strategies – again to date, none include strategies for trail bikes (except to exclude them). In fact one consultant hired to develop a Trails Master Plan for a major metropolitan council had this to say when queried about why the Master Plan did not include trail bikes:

“I have no intention of getting involved in planning for trail bikes, and I have no interest in discussing this issue with you. Call it “head in the sand” if you like, but that’s the way it is. No trail plan that I have ever been involved in (now some 120) has included trail bikes (or 4WD) in the brief, and I hope it stays that way.”

By failing to recognise responsible trail riding there is little encouragement for trail riders to act responsibly. By being left out of a legitimate community, trail bikes and riders are perceived as renegades, see themselves as renegades and some act as renegades.

However since the start of the development of the State Trail Bike Strategy some encouraging developments have already occurred:

- the Recreation and Trails Unit within DEC has been formed due to the recognition of need within DEC for coordination of the departments management of **all** recreational activities including trail bike riding,
- the current planning for a State Trails Strategy being undertaken by DSR now includes motorised trails and will include the outcomes of this State Trail Bike Strategy,
- the planning towards the Peel Region Trails Masterplan now also includes motorised trails

By bringing Trail Bike Riders into the sanctioned land user group and legitimising trail bike riding as a recreational activity, this activity can be better managed and responsible riding promoted. This follows the same logic that saw CALM (now DEC) in 2004 form a mountain bike working group with members of the local mountain bike community to develop guidelines for construction of mountain bike trails on CALM managed land and provide a communication link with the mountain bike community. (see Case Study under World’s Best Practice).

LICENSING AND REGISTRATION

Leaving aside minor issues with the clarity of the law, some riders take issue with the logic of having to fully road register a motorcycle that is rarely or never used on sealed roads.

Quad bikes are not ADR compliant and therefore cannot be registered for road use. While this makes sense from the perspective of keeping these machines off the Kwinana Freeway, it does frustrate quad bike owners that there is no legal opportunity for trail riding outside designated ORV areas.

Similarly, while no reasonable person would argue that a child should be allowed to ride a motorcycle in traffic on a suburban street, the fact that the Road Traffic Act makes no distinction between a major arterial road and the most deserted bush track precludes the opportunity for family-oriented recreational trail bike riding and places considerable pressure on local authorities to provide dedicated facilities for underaged or junior riders.

These issues are further explored under the heading: Registration and Licensing and in Appendix 2: Junior Riders' Licence Discussion Paper.

STATE OF THE NATION

Most, if not all of the issues outlined in this document have been and are currently being faced by all other states in Australia.

A state by state assessment and description is provided below, however it is safe to say that there is a wide variety in the degree of proactivity, initiatives and success of recreational trail bike strategies. Tasmania and Victoria appear to be leading the way in having proactive and positive strategies, Queensland has been trying and New South Wales and South Australia appear to be providing and doing relatively little.

VICTORIA

Victoria is probably the most active state in its management of recreational trail bike issues. Specific initiatives include;

RECREATIONAL REGISTRATION

In 1999, changes to the Road Safety (Vehicles) Regulations in Victoria introduced a class of registration called Recreation motorcycle. This system of recreational motorcycle registration allows the riding of motorcycles in certain areas without obtaining full road registration.

Riders must be at least 18 years of age and must hold a motorcycle learner's permit or road licence. To be registered a motorcycle must have:

- a rear vision mirror fitted to the right hand side
- brakes fitted to both wheels, capable of working independently if one brake fails
- one head lamp
- one rear red lamp
- one rear red brake lamp
- one rear number plate lamp
- a silencing device which restricts the noise level to 94 dBA or less
- an appropriate horn or warning device
- a chain guard that protects the rider from the front chain sprocket

There are a number of conditions applying to operating a recreation vehicle. They are:

- Recreation motorcycles are only permitted to be operated on roads located outside "built up areas" as defined by speed zones of less than 100 km/h, but not on freeways and arterial roads.
- the vehicle must not carry any load or a person other than the rider
- the rider must wear a protective helmet of the type approved under the Road Rules Victoria

Reduced registration fees (\$7.10 annual registration + \$52.80 TAC insurance as opposed to \$32.90 + \$166.65³² TAC insurance for full registration).

The majority of all motorcycles in Victoria have full road registration (130,610 as at June 30, 2007). Full road registration doesn't differentiate between road and trail bikes but the number of fully road registered trail bikes is estimated at 50,000. In 2007 12,780 motorbikes were recorded as having recreational registration. On top of these there are an estimated 30,000 unregistered trail bikes³³. The unregistered bikes tend to fall into two categories:

1. Old registerable motorcycles. These old bikes, which are no longer roadworthy and have lapsed registration tend to be purchased by unlicensed riders. Many of these unlicensed riders are teens, but some are older and just want a cheap old bike mess around on.
2. Motocross bikes no longer used for competition.

There has been a call for the recreational registration system to be reviewed and possibly modified to restrict option of recreational registration in the future to ADR-compliant vehicles. This will enable owners of enduro and trail bikes to conditionally register their machines without having to retain road-oriented features such as indicators, speedo and dual mirrors and to take advantage of reduced TAC insurance, while at the same time excluding competition motocross bikes, pit-bikes and mini bikes which were never intended to be the beneficiaries of this scheme.

Motocross bikes are a particular problem according to Victoria's State Trail Bike Coordinator, Roger Pitt. They tend to be inherently noisier than trail bikes and the more aggressive riding style required of these bikes exacerbates this problem. They also tend to be, because of the more aggressive riding style, more damaging to tracks and trails. Because they tend to have smaller fuel tanks, and therefore limited travelling range, they tend to be ridden in more confined areas and this contributes to one of the major sources of community complaint -- that being bikes being ridden for long periods of time in a single area.

STATE TRAIL BIKE INITIATIVE

As part of the Victorian Government's \$200 million Environmental Sustainability Action Statement, \$5 million over four years has been allocated to better manage recreational trail bike use of State forests. A program of extensive community consultation throughout 2005 resulted in The Trail Bike Options Paper³⁴ which outlined a number of recommendations about trail bike riding. In August 2006, the Victorian Government launched its Trail Bike Initiative which is tackling problems of environmental damage, noise pollution, conflict between trail bike riders and other forest users, such as picnickers, bushwalkers, horse riders and residents.

32 Trailbike Project Options Paper, Department of Sustainability and Environment, 2005

33 Source: Roger Pitt, State Trail Bike Project Manager

34 Trailbike project Options Paper, Department of Sustainability and Environment, 2005

A State Trail Bike Project Manager has been appointed, as well as four regional Trail Bike Project Officers.

The aim is to balance the rights of all forest users through key initiatives³⁵ such as:

- Provision of purpose built trail bike unloading areas in the forests. These areas will be chosen and designed with local rider input to provide suitable facilities for trail bike users to safely unload their bikes. Unloading areas will also provide information on where to ride and on local clubs to join.
- Increased information for riders. Often riders are not aware that they are using illegal tracks or riding inappropriately. Better signs and better information for riders will help ensure recreational riders know what they legally can and can't do. The DSE Web site now contains comprehensive and well written information for riders.³⁶
- Encouraging owners of excessively noisy trail bikes to get their exhausts fixed. Noise emission testing of trail bikes in the bush will be undertaken to ensure they comply with noise emission standards. Excessively and illegally noisy bikes are affecting the peace and quiet expected by many rural residents and also affect the recreational experience of other forest users.
- Closure and rehabilitation of illegal off-road tracks. Off road riding is illegal on public land and the spreading network of illegal tracks cause erosion, environmental degradation and sedimentation of waterways.
- Increased forest patrols. The focus of the patrols will be educational, though under-aged and unlicensed riders and unregistered bikes can expect to be warned. Repeat offenders will be prosecuted.

The Victorian Trail Bike Initiative represents a significant commitment from the government and the funding will be applied to progressively address several unresolved issues, including:

- A lack of purpose built venues for riders, especially those not old enough to obtain a driver's licence and those who rider unregistrable bikes. This initiative will work across State and local government, private landholders and user groups, to identify the gaps in the provision of legal venues for under-aged riders and for unregistered bikes and investigate and support opportunities for the establishment of suitable public or commercial venues.³⁷
- More research into what makes a good ride and how forest roads can provide for a better riding experience.
- Research to give a better understanding of the dynamics of trail bike noise and how to more effectively design buffers.

³⁵ Trail Bike Initiative Update, July 2006

³⁶ www.dse.vic.gov.au/trailbikes

³⁷ Current thinking on this issue in Victoria is that the best opportunities for meeting this need lie in the use of appropriately zoned private land, rather than the use of public land.

DRAFT RECREATION FRAMEWORK – BUNYIP PUBLIC LAND

At a local level Parks Victoria undertook the development of a Recreation Framework for the Bunyip area³⁸ in the foothills of the Great Dividing Range. This area accommodates a diverse range of recreational activities which has created some conflicts. The Framework aimed to show where and how each of the major recreational activities (bush walking, camping, 4-wheel driving, trail bikes, fishing, horse riding, orienteering and more) can be enjoyed. The framework was developed in consultation with a 20 member community advisory group representing the different activities and residents. Recommendations included:

- Signage and maps to advise trail bike riders which tracks they could use,
- Trail bike unloading areas in agreed locations,
- Creation of an educational campaign for drivers and trail bike riders,
- Development of touring routes throughout the framework area to assist trail bike riders to get the desired experience
- Identification of an area where parents can teach children about safe and responsible trail bike use.

Subsequently the recommendations put forward by the Forum were rejected by the Minister and the most popular areas were closed to all recreational vehicles including four-wheel drives.

Some areas at the northern end were left open with the intention of shifting riding to the north into the state forest. One unloading area has been developed with minimal facilities, close to the main highway. This area was selected for its ease of access and proximity to the state forest.

The closures in Bunyip will likely have an impact on the state forest with an expected increase in riding activity which DSE will monitor. Of particular interest will be the extent to which the increased number of riders in the area creates increased “off trail” use. This will be monitored by visual analysis of the track network with follow-up monitoring at three monthly intervals. Where new tracks appear to have been cut as single trail off the designated trails there will be an instant response and closure of those new trails, in much the same way as instant removal of graffiti acts as a disincentive to graffiti vandals.

Also to be monitored is the extent to which rider behaviour changes as a result of the new loading facilities, for example will riders be happy to shift 5 km or so up the road in order to access the new unloading facilities.

³⁸ Draft Recreation Framework for Bunyip Public Land, 2005

UNDERAGED AND UNLICENSED

A number of areas of public land are made available for motocross facilities, managed by clubs affiliated with Motorcycling Victoria. The typical area of these is 9-10 ha. It remains the DSE position that private land is the most suitable location for trail riding by unlicensed riders and children.

The Hastings Blue Light Motorcycle Club is an example of public / private partnership developing a facility³⁹ that caters for junior riders. Blue Light is a police initiative that organises and supports various youth projects in the community. It agreed to lend its support to the idea, and BHP Steel agreed to provide about seven hectares of land at its Western Port steelworks site.

After extensive community consultation involving BHP Steel, police and local residents, Mornington Peninsula Council gave the go ahead in December 2001.

The Club now has its own on-track facilities, bikes and safety gear, and runs training programs for both junior and senior riders, as well as hosting family days.

The Club committee monitors all track activities to ensure noise and other environmental impacts are kept to a minimum.

The local Hastings police support the Club, with a number of officers becoming members and regularly attending to supervise and coach young riders.

Senior Constable Richard Wallace from the Hastings Traffic Management Unit says the number of complaints and incidents of reported illegal trail bike riding in the area has fallen dramatically since the facility opened.

COMMERCIAL RIDE PARKS

While there are a number of motocross circuits available for public use in Victoria to date there have only been (to the knowledge of DSE) three expressions of interest on the part of potential operators. This lack of interest may be due to:

1. High land values close to population centres make these commercially unviable.
2. A ride park that delivers a satisfying experience to riders requires a large landholding and a variety of terrain including hills, wooded areas and gullies.
3. There are no successful models to base this concept on. In New South Wales the successful ride parks exist where the land is already owned (and is therefore considered a sunk cost) and the ride park is an adjunct to the revenue generated by agricultural activities. Typically the owner of the land also has a keen interest in motorcycle riding.

State Trail Bike Project Manager Roger Pitt assesses that in Victoria people will travel 1 to 1½ hours for a day's ride or up to 2½ hours to access an area where they can ride over a weekend.

³⁹ <http://www.bluescopesteel.com/index.cfm?objectid=8C6E4737-71E5-4EE0-9333F6313C991E21>

TASMANIA

Tasmania has been very proactive and innovative in its approach to recreational trail bike riding in the state. The Restricted Registration system and “Ride Around Tasmania” are best practice examples that Western Australia could consider adopting. The Tasmanian initiatives appear to be the most inclusive, accepting and encouraging of recreational trail riding. The Parks and Wildlife Service includes information for responsible trail riders:

Tasmania has some great spots set aside for the responsible use of trail bikes and all-terrain vehicles. This guide is a must for anybody who rides a trail bike, four wheel bike or other all terrain vehicle (ATV) for recreation.
(<http://www.parks.tas.gov.au/recreation/4wd/index.html>)

80% of the road network in the 1.5 million hectares of State Forests and 90% of the road network in the 2.47 million hectares of conservation reserve are available for use by fully licensed and fully road registered bikes.

If there is an area to cover this activity then State forest is it. Pamphlets and brochures provide much of the detail on where the best areas are.
(http://www.tasforestrytourism.com.au/pages/activity_vehicles.html)

Unlike in WA where searches on Trail Bikes in DEC websites return no information, the Forestry web site promotes where and how you can ride in Forests with maps and guides to assist.

RESTRICTED REGISTRATION SYSTEM

Restricted registration is issued to vehicles which travel short distances for particular purposes such as driving an off road vehicle in an area designated for that purpose and recreational vehicles (all-terrain), 2 and 4 wheeled motor cycles for private use in approved recreation areas.

Restricted vehicles are recognised by a number plate prefix of RV ****, in red writing on a yellow background. Few of the vehicles require inspection.

Vehicles with restricted registration do not pay any Motor Tax and have a reduced Motor Accident Insurance Board (MAIB) premium (30%). The registration of a vehicle with restricted registration can be transferred from person to person only if the same conditions apply.

A *Certificate of Approved Operations* is issued allowing use of a vehicle in nominated areas with permission from the land manager. This must be carried at all times when being used on State-owned lands. Any person operating a vehicle on State-owned lands must hold a current driver licence for the type of vehicle they are operating, or a learner’s permit available at the age of 16.5 years. Vehicles with this restricted registration must not exceed the lesser of 40km/h or the manufacturers maximum recommended speed rating.

Affordable third party insurance is also provided with registration, with the system underwritten by the State Government.

RIDE AROUND TASMANIA

Ride Around Tasmania is a program designed to educate riders about environmental issues and to encourage responsible behaviour. Originally conceived by SideTrack magazine as a guide to riding opportunities throughout Tasmania, the 'Ride around Tasmania' booklet specifies the roads and areas allowable for off-road motorcycles and ATVs with Restricted Registration. The booklet retails for \$9 with proceeds being used to support the activity and continue creating trails and the booklet.

Ride Around Tasmania is a joint effort of the Parks and Wildlife Service, Forestry Tasmania, Department of Infrastructure, Energy and Resources Transport Division, Motor Accident Insurance Board, Office of Sport and Recreation, Tourism Tasmania and the Dual Sport Motorcycle Riders' Association (DSMRA). Initial funding was provided by the Federal Chamber of Automotive Industries' motorcycle division.

Consultation and development of this initiative took 18 months. The Parks and Wildlife Service originally had a full-time person working on minimal impact activities in parks. This role included four-wheel-drive and trail bikes as part of responsibility. The position no longer exists, which has seen the program lose momentum, however there is a push from within the Parks and Wildlife Service to restore this role.

There are currently 19 designated tracks for use by Restricted Registration vehicles plus two small areas of sand dunes with no designated tracks. Most tracks use forestry roads and trails but some have been cut specifically for the purpose of off-road riding.

The booklet includes full disclaimers, information about insurance, safety tips, training information and a detailed checklist for the bike, tools and gear. There is a detailed section on responsible riding and minimizing impact on the environment.

Each of the 19 tracks has detailed information about the permissions required to ride there, fees if any, a difficulty grading, detailed maps, full route guide and terrain description.

RECREATION VEHICLE WORKING GROUP (RVWG)

The Recreation Vehicle Working Group has been in existence for around twenty years. It was established to increase inter-agency cooperation and drive the various initiatives and includes representatives from government and RV users.

The RVWG has developed a Policy for Recreational Vehicle Use on Public Lands in Tasmania⁴⁰ and will oversee implementation of this policy and review and revise it, if necessary, every 5 years. A program has commenced in conjunction with interest groups to identify tracks suitable for continued vehicular use and to close and, where feasible, rehabilitate all unnecessary tracks.

⁴⁰ Recreational Vehicle Working Group 2005, *Policy for the Use of Recreational Vehicles on State-Owned Lands in Tasmania*. Parks and Wildlife Service, Hobart, Department of Tourism, Parks, Heritage and the Arts.

Federal funding is being sought under the Natural Resource Management Program to develop an inventory and track classification system such as AS2156 the Australian Standard for walk trails.

STILL TO BE ADDRESSED

The Tasmanian system does not address the requirements of under-aged riders. Riders must have a learner's permit to ride motorcycles or a car driver's licence to ride quad bikes on the designated trails which are all public areas. The desire to provide for under-aged riders has also been identified, and land has been offered to clubs or organisations to manage. At this stage no one has stepped forward to take up these offers. Despite this there is strong interest for a legal option for kids, to fill the current policy void.

It is felt within Parks and Wildlife Service Tasmania that the current emphasis on inviting trail riders into the designated areas and encouraging responsible rider behaviour needs to be reinforced with stronger enforcement provisions, more management controls and better monitoring of environmental sustainability.

A particular concern is quad bikes which enable people to get to more inaccessible and remote places than ever before.

Additional areas appropriate for ORV use are being identified, while others – particularly sensitive coastal areas – have been earmarked for closure.

At least one commercial ORV area near Hobart is in the planning stages. This will potentially go some way to addressing both the lack of trails in the southern half of the state and the needs of underaged riders.

QUEENSLAND

Authorities in Queensland have been active in addressing the requirements of sustainable trail bike riding in the state. Queensland was the first to establish a dedicated Forum and the issue is well known and publicized. However it appears that little real improvements or actions have been taken.

The South East Queensland Trail Bike Management Forum was established in 1996 and has been working toward achieving the vision of South East Queensland leading Australia in “cooperatively providing a range of safe, accessible, sustainable trail bike riding opportunities that the community, government, business and users support”. The terms of reference for the Forum are as follows⁴¹:

1. To help communication between parties with interests in the management of trail bike riding in South-east Queensland.
2. To assist with the resolution of issues related to the provision and management of trail bike riding in South-east Queensland while recognising the rights, obligations and responsibilities of landholders and legitimate interests of other users.
3. To collect, collate, analyse and distribute information that is necessary to support decision making about the provision and management of trail bike riding in South-east Queensland.
4. To help provide advice on the planning and management of trail bike riding on public and private land in South-east Queensland.
5. To develop a functional partnership between relevant stakeholders.
6. To help identify resources required to develop solutions to issues and implement those solutions.

In 2005, an inter-departmental Trail Bike Working Group was established to address the range of non-legislative reform options which arose from the recommendations of the Police and Corrective Services Portfolio Caucus Sub-Committee for Trail Bikes. Despite the work done by the SEQTBF there appears to have been little interaction between these two groups. An offer of assistance by SEQTBF has apparently not been taken up.

“there has been no indication of progress made by the inter-departmental Trail Bike Working Group in dealing with the issues identified by the SEQ Trail Bike Management Forum in its submissionIn the meantime, thousands more bikes have been sold and more areas previously available for legal riding have become unavailable, for a variety of reasons.” www.outdoorsqueensland.com.au

A Gold Coast City Council report, Planning Principles for Off-Road Motorcycles (Strategic Leisure Pty Ltd & Wood, 2002), stated, *“Unless decisions are made to allocate land and to put in place the mechanisms to enable ongoing use, a number of existing facilities will face closure and others will*

⁴¹ http://www.outdoorsqueensland.com.au/01_cms/details.asp?ID=740

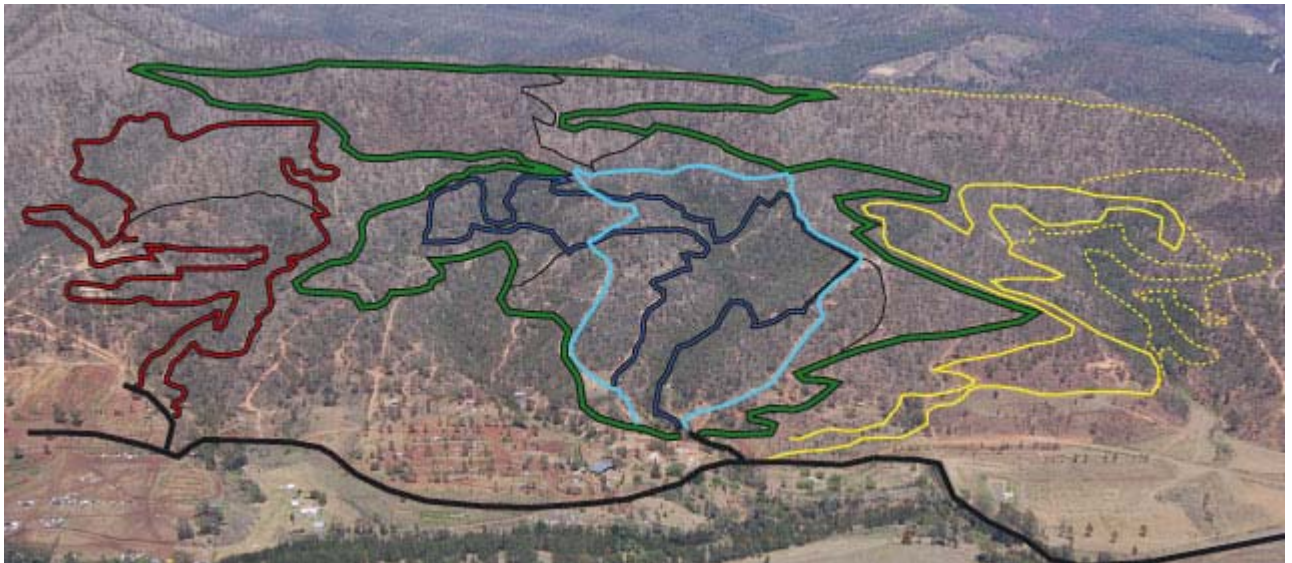
begin to exceed their capacity. This will have a disastrous effect on the sport of trail bike riding and will result in increasing illegal use of trail bikes in vacant land, parks and conservation areas because riders will have no other place to ride."

The need to support private landholders and councils providing trail bike riding opportunities on their properties through appropriate provisions of planning schemes and a reformed regulatory environment has also been noted by the South East Queensland Trail bike Management Forum. On that basis local government, with financial support from Sport and Recreation Queensland, have been reviewing locations for the establishment of new trail bike venues.

In 2006 there was also an election commitment related to trail bike riding to move trail bikes out of the metropolitan areas and onto private land. \$250,000 was promised over 3 years to assist private land holders provide toilets and other camping facilities on their land. Given the size of the issue and the range of solutions needed this appears to be a token gesture only.

COMMERCIAL RIDE PARKS & TOURS

Black Duck Valley is a commercial ride park catering to motocross, trail, mini and quad bikes as well as registered 4WDs. Located 130km from Brisbane it features several enduro loops, a variety of motocross tracks and a ramps area for freestyle. It is regarded by some trail bike riders as one of Australia's best set up commercial parks, however its safety record is a matter of some concern with a number of injuries reported.



BLACK DUCK VALLEY

Queensland has several commercial tour operators, mainly operating in the Far North who offer organised and led trail bike tours.

NEW SOUTH WALES

New South Wales has the same issues as other states but the initiatives being taken do not appear to be as advanced as those of Victoria or Tasmania.

NSW has its own off road vehicle act – the Recreation Vehicles Act 1983 which is administered by the Environment Protection Agency. Currently it is believed that there is only one operational Recreational Vehicle Area, at Stockton Beach near Newcastle.

Trail bikes are allowed access to an extensive public road network of State forest and park areas, with riders required to be licensed and bikes required to be fully road registered. Unregistered bikes and ATVs are not allowed on any of these public roads.

Places to ride trail bikes have diminished in many locations across NSW with a subsequent increase in the illegal use of land. Public land managers are under resourced to control trail bike impacts, undertake effective enforcement or effective education campaigns and do not feel the activity is currently being managed sustainably⁴². With the exception of Stockton beach there are no areas on public land available for unlicensed under-aged riders to ride.

New South Wales has a well established Minikhana series, with several clubs established to run competitive (non racing) events for juniors.

Examples of some current initiatives in NSW are:

FOREST USERS EDUCATION PROJECT

Rider safety, social responsibility and environmental awareness are the focus of a joint project between the Dual Sport Motorcycle Riders Association, Motorcycle Council of NSW and Forests NSW funded by the NSW Environmental Trust.

The project will focus on trail bikers to address safety and reduce irresponsible and illegitimate forest use, while highlighting the environmental and social issues of forest trail bike recreation.

Outcomes of the project will include educational and promotional material encouraging appropriate and responsible use of forests, while improving people's understanding of forests for their recreational, commercial and environmental worth.

SOUTH COAST TRAIL BIKE ADVISORY GROUP

Forests NSW staff on the New South Wales south coast have joined with local trail bike groups and tour operators in a forum to develop a plan for the future use of State forests in the area.

⁴² Trailbike project Options Paper, Department of Sustainability and Environment, 2005

BIKE BLITZES IN THE WATAGAN STATE FORESTS

The Watagan Mountains, south west of Newcastle, is one of the most popular destinations for off-road activities in the state. A recent cooperative venture with local police saw more than 30 fines issued to people for riding unlicensed or unregistered bikes.

Similar blitzes have been staged in Riverina forests.

GUIDELINES FOR OFF-ROAD EVENTS DEVELOPED IN CENTRAL WEST

Demand for locations for responsible riders to participate in organised off-road events is increasing, with Forests NSW Bathurst based staff developing guidelines for off-road events in plantation pine forests in the region.

An agreement has been developed with Central Tablelands Motorcycle Club for the construction of temporary single-wheel motorcycle tracks ('single tracks') for events in Sunny Corner State Forest.

The idea is to allow for temporary event locations with courses constructed to standards that will minimise negative environmental impacts. If successful, the model could be adopted more widely in the future.

COMMERCIAL RIDE PARKS

Perhaps because of the lack of public amenities NSW does seem to have the most number of commercial bike parks. Typically these are a 3+hours drive from Sydney and are an additional revenue stream for existing farm operations.

The biggest, **Louee** is near Mudgee – a three hour drive from Sydney. Based on a 10,000 acre working sheep farm, Louee boasts 150km of signed one-way enduro trails and six motocross tracks catering for various levels of rider.

Facilities include regularly maintained tracks, special areas for juniors, spare parts backup, track marshals, accommodation, mechanics, bike wash, bike security, kiosk, first aid and an appropriate set of rules.



Rider fee is \$40 per day for adults and \$20 for children under 16. Quads and buggies are not permitted. According to its web site, Louee does not carry public risk insurance so it insists on a written waiver from each entrant.



Catombal is a 1400 acre dedicated dirt bike park 4-5 hours drive from Sydney.

It has a motocross track carved out of the side of a hill, a 'fast and flowing' track winding in and out of a natural creek bed, a mini bike track, a junior motocross track and one-way signed enduro trails catering to various levels of rider.

Lochmaree is located on the southern rim of the Blue Mountains National Park, approximately 3 hours from Sydney. It features 2,300 acres of one way signed enduro trails and a 2km motocross track. Shared accommodation is available plus a workshop, bike wash, first aid kit and spare parts. Quads are not permitted.

Binacrombi caters for trail bikes, quads and four wheel drives, with over 530 acres of tracks and trails set on a valley following the Abercrombie River. Basic bush cabins accommodate 4 to 10 people and there is a dormitory and camping facilities available.

Free Flight has nine tracks including a 4.5km enduro loop. The facility caters for all levels of riders, includes camping accommodation and is located approximately 325km from Sydney.

SOUTH AUSTRALIA

Motorbikes may use public roads in South Australia's Forest and Conservation reserves but the SA Road Traffic Act requires riders to be licensed and motorcycles fully road registered. However much of the Forest Reserve road network near Adelaide and in the north is for management purposes only as is 50% of roads in the conservation reserve system. This policy is managed by the placement of fences, gates and signs around restricted areas, with education and use of law enforcement as required.

There are no areas of Forest or Conservation Reserves where off-road vehicle use is permitted and there are no dedicated areas set aside for off-road vehicle activities. Whilst conditional registration is available for ATV/Quad bikes from Transport SA, there are no areas within either the Forest Reserve or parks network designated for these conditionally registered bikes to ride.

Opportunities for off-road trail bike riding reside mostly on private land and pastoral land leased from the Crown.

In summary, South Australia, like New South Wales has all of the same issues as other states but there are no specific initiatives to address these issues.

*"This state is Bull**** for riding !!! We can't ride any where !! Other states you get a rec permit & you are cool . I'm doing nothing wrong but wanting to ride & explore this great country but I feel like a Criminal in doing so . It just SUCKS man !!!"*

Comment from an online dirt bike forum discussing lack of places to ride in SA.

There are no known commercial bike parks in South Australia.

WESTERN AUSTRALIA

In comparison Western Australia is well placed with a starting foundation in the *Control of Vehicles (Off Road Areas) Act (1978)*. There is a basis for the designation of off-road vehicle areas which provides for unlicensed and under-aged riders.

Given that the rest of this report relates to WA, at this point a review is provided of a similar recreational activity in Mountain Biking within Western Australia and the major improvements that have been made for this activity in the last few years.

MOUNTAIN BIKING

During 2004 CALM formed a mountain bike working group with members of the local mountain bike community. This group developed guidelines for construction of mountain bike trails on DEC managed land and provided a communication link with the mountain bike community. The Downhill facility at the Goat Farm was developed as part of this initiative. Mountain Bikes are now clearly sanctioned in DEC managed lands and the development of other new trails and the upgrading of existing trails is continuing.

Munda Biddi⁴³

The Munda Biddi Stage 1 is a 332km mountain bike trail using a network of bush tracks and old railway lines to link cyclists with many towns and forest attractions. The Department of Environment and Conservation is designing and planning the trail in consultation with the Munda Biddi Trail Foundation, the Department of Sport and Recreation, the Western Australian Mountain Bike Association and other representatives of the cycling community. Once completed, this 900-kilometre trail will wind its way through national parks and State Forest in the south west before reaching Albany.

There are five purpose-built campsites between Mundaring and Collie. Campsites are provided a day's ride apart, about every 35 to 40 kilometres, between towns. These campsites are designed to accommodate the individual needs of cyclists and include a bike shelter and a bike repair area, as well as providing the basic necessities such as a campshelter (sleeps up to 25 people), bush toilet, tent sites, picnic tables and a water tank.

The first section was funded by ALCOA Australia, LotteryWest, the Department of Conservation and Land Management, the Department of Justice, Peel Development Commission, South West Development Commission and various local governments along the Trail route made a commitment to the Trail project.

⁴³ <http://www.mundabiddi.org.au/>

THE INTERNATIONAL EXPERIENCE

The purpose of this section is not to provide an audit of how every country tackles the issues of off-road vehicle use, but to highlight those that provide some guidance and case study value that can be considered for adoption.

USA

On May 24, 1977 US President Jimmy Carter signed Executive Order 11989 giving effect to a unified Federal policy towards the use of off-road vehicles on public lands.

Since that time the intent of that Order has been realised in different ways by the various States and their agencies. While none would probably claim to have the perfect system there are lessons to be learnt from those States and Federal Agencies that appear to be most pro-active.

DEPARTMENT OF AGRICULTURE

The Department of Agriculture is responsible for the National Forest System. In December 2005 it published its Final Rule relating to motor vehicle use including off-road vehicles within the National Forest System.

The final rule recognises that motor vehicles are a legitimate and appropriate way for people to enjoy their national forests. Accordingly the ruling requires the designation of roads, trails and areas that are open to motor vehicle use by class of vehicle and, if appropriate, by time of year.

“The Department believes that national forests should provide access for both motorised and non-motorised users in a manner that is environmentally sustainable over the long term. The NFS is not reserved for the exclusive use of any one group, nor must every use be accommodated on every acre. It is entirely appropriate for different areas of the national forests to provide different opportunities for recreation.”

The final rule seeks to establish a common regulatory framework management of all motor vehicles to increase consistency and reduce confusion and lack of compliance. At the same time, the Department recognises that user demands and environmental impacts vary by class of vehicle.

“Many motorcyclists prefer to ride on single-track trails too narrow for ATVs and larger vehicles. Similarly, some ATV riders prefer to ride on trails not used by larger sport utility vehicles. Local Forest service managers, with input from the public, will take these differences into account when designating roads, trails, and areas for motor vehicle use. The department anticipates that many national forests will designate some single-track trails for motorcycles, but not for other motor vehicles”.

The proliferation of user-created routes is a major challenge on many National Forests and examples of significant environmental damage, safety issues, and use the conflicts are well-established. The

Department believes that a well-planned, well-designed system of designated roads, trails and areas offers better opportunities for sustainable long-term recreational motor vehicle use and better economic opportunities for local residents and communities.

Some user-created routes are well sited, provide excellent opportunities for outdoor recreation by motorised and non-motorised users alike, involve less environmental impact than unrestricted cross-country motor vehicle use, and would enhance the system of designated routes and areas. Other user-created routes are poorly located and cause unacceptable environmental impacts. The Department believes that the evaluation of user-created routes is best handled at the local level by officials with first-hand knowledge of the particular circumstances, users, and environmental impacts involved, working closely with local governments, users, and other members of the public.

The Department expects that some use-created routes will become designated roads and trails, after site-specific evaluation. The overall network of routes designated for motor vehicle use would then expand. These designated routes will form a more stable base for long-term management and will receive increased maintenance, through agency resources and cooperative relationships, thereby expanding opportunities for motor vehicle users.

The Department also anticipates the need to mix highway-legal and non-highway- legal traffic on some NFS roads at particular classification levels. Such designation decisions will be advised by professional engineering judgement, and will include design features deemed appropriate by engineering studies.

In its final rule the NFS is careful in its choice of wording, supporting the object is of “minimizing” rather than “eliminating” the impact of ORV use. The Department also supports the concept of adaptive management and agrees that monitoring and, if needed, revision of motor vehicle designations will be an ongoing part of travel management. Since the system of designated routes and areas will change over time, the Department anticipates that local units will publish new motor vehicle use maps annually and update signs as necessary or appropriate. Recognizing the importance of clearly communicating the concept and specifics of designated routes, the Department emphasises the need for local forest area managers to ensure that motor vehicle use maps are made available on appropriate websites as soon as practicable.

CALIFORNIA

The Off-Highway Motor Vehicle Recreation Program⁴⁴ was created in 1971 out of the critical need to better manage growing demands for off-highway recreation, while at the same time foster respect for private property rights and protect California's natural and cultural resources.

In addition to providing accessibility to off-highway recreation for everyone from hikers to bikers to bird watchers, the program provides a variety of services and benefits to California's residents and

⁴⁴ www.ohv.parks.ca.gov

the state's visitors, including resource management of its lands, wildlife habitat protection, youth development and law enforcement.

The Mission of the Off Highway Motor Vehicle Recreational Division is to provide leadership statewide in the area of off-highway vehicle (OHV) recreation; to acquire, develop, and operate state owned vehicular recreation areas (SVRAs), and to otherwise provide for a statewide system of managed OHV recreational opportunities through funding to other public agencies. To ensure that quality recreational opportunities remain available for future generations by providing for education, conservation, and enforcement efforts that balance OHV recreation impact with programs that conserve and protect cultural and natural resources.

Riding Areas

The OHMVR Division of California State Parks currently operates six State Vehicular Recreation Areas, or SVRAs providing 90,000 acres. Each SVRA has an operational program that provides (in most locations) the following services:

- Trails, tracks, and other OHV Recreation opportunities
- Restrooms, camping, shade gazebos, water
- OHV parts store in some locations
- Public safety, including law enforcement, first aid, and search and rescue.
- Maintenance and housekeeping, including repair and maintenance of OHV trails, buildings, equipment and public use facilities.
- Interpretive and educational activities and publications promoting safe and responsible OHV recreation.
- Resource management designed to sustain OHV opportunities, protects and enhances wildlife habitat, erosion control, revegetation, etc.

In addition the OHV Grants Program has assisted California to have 60 sites operated federally (which represents the greatest land mass), 26 facilities operated by the Bureau of Land Management, 11 locally operated OHV parks and the 6 SVRAs.

Funding

This is all possible due to substantial program funding coming from fuel taxes that are attributable to the recreational use of vehicles off highway (80%), off-highway vehicle registration fees (Green Stickers) (7%), earned interest (10%) and fees collected at state vehicular recreation areas (3%)⁴⁵. In turn \$18M is provided annually by way of grants to groups for motorised trail initiatives.

The OHV Trust Fund receives \$10 of the \$25 OHV registration fee, \$8 covers administration costs with the Department of Motor Vehicles, \$3 goes to the California Highway Patrol for law enforcement, local government receives \$4.

⁴⁵ Taking the High Road, The Future of California's Off-Highway Vehicle Recreation Program, California State Parks, 2002

Regulations

Registration

All vehicles that are operated on public lands must be registered with the Department of Motor Vehicles (DMV). The registration fee is \$25 per vehicle, and is valid for a two-year period. The OHV fund is used for acquisition of new OHV areas, development and operation of existing OHV areas, enforcement of the rules and regulations, and protection of the natural resources.

DMV issues a Green Sticker to vehicles that meet the emission standards established by the California Air Resources Board and vehicles manufactured prior to 2003. A Red Sticker is issued for vehicles manufactured after 2003 that do not meet the emissions standards. Red sticker vehicles are restricted from operating during certain times of the year.

Vehicle Regulations

Noise emissions of competition off-highway vehicles manufactured on or after January 1, 1998, are limited to not more than 96 dBA, and if manufactured prior to January 1, 1998, to not more than 101 dBA, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287.

Noise emissions of all other off-highway vehicles are limited to not more than 96 dBA if manufactured on or after January 1, 1986, and not more than 101 dBA if manufactured prior to January 1, 1986.

Spark arrestors must be fitted and a headlight and taillight are required if the vehicle is operated at night.

Riding Regulations

Riding regulations are seemingly liberal. They forbid the driving of a motor vehicle in a manner that endangers the safety of other persons or their property and impose a 15 mph speed limit when within 50 feet of any campground, campsite, or concentration of people or animals. A road driver's licence is not a pre-requisite, however if a driver has a road drivers' licence that is suspended then they may not drive an OHV on public land.

Education

The *California Police Activities League* in collaboration with California State Parks have been operating the *Cal Pals* program since 1995 and include community consultation in the process of establishing and then maintaining access to particular sites.

Cal Pals is a program aimed at meeting the needs of young people at risk between the ages of 10 and 15 and operates within State Vehicular Recreation Areas (SVRAs).

Cal Pals is an off-road recreation and mentoring partnership between the California State Parks' Off-Highway Motor Vehicle Recreation Division, the California Police Activities League, the motorcycle industry and local communities. The program uses youth-sized off-highway motorcycles and all-terrain vehicles that are available at no charge to qualified CAL PAL groups. Off-highway motorcycles and ATVs are used to

motivate youth to improve behaviour, encourage responsibility, and learn skills that can be carried through life.

The partners particularly focus on educating communities about the program's goals. They concentrate on education about its health benefits and about its focus on encouraging young people to enjoy active pastimes instead of engaging in "substance abuse, truancy, and gang (membership)".

The Off-Road PALS Program will introduce California youth to responsible, safe and exciting recreational opportunities that will be a positive influence on their lives as individuals and members of society.

(Cal Pals Guide Book 2000)

ARIZONA

The State of Arizona has a highly successful and effective off-highway vehicle (OHV) program "The Arizona Off-Highway Vehicle Program". The basic tenets center around close interagency coordination that includes active user group participation, sharing available resources, and providing enjoyable recreation opportunities while managing motorised vehicle impacts.

Demand is strong and the OHV program aims to meet the demand for environmentally sustainable OHV recreation. Through education, the program increases awareness on how to enjoy the land while minimizing or reversing adverse vehicle impacts. The State Parks of Arizona believe that the keys to the future of motorised recreation in Arizona are:

1. responsible use of off-highway vehicles
2. respect for nature, public stewardship of the land
3. consistent, coordinated interagency efforts among land management and regulatory agencies
4. OHV fund assistance to land managers.

An OHV Recreation Fund was created to meet the needs of OHV recreation and receives 0.55% of the state motor vehicle fuel tax revenue (approximately \$2 million annually). The Arizona State Parks Board also administers funds from the federal government through the Recreational Trails Program (RTP). The portion of this RTP fund allocated for motorised recreation is approximately \$400,000 annually. The State Parks Board conducts an annual competitive grant process to award motorised trail recreation monies to eligible applicants. Eligible applicants include cities, towns, counties, tribal governments, state and federal agencies, and non-profit organisations. The State Parks Board may also provide funds to land managing entities (such as the National Forest Service, National Park Service, Bureau of Land Management, and State Land Department) by entering into interagency agreements.

Examples of projects that have been funded through the OHV Program are the development, construction, enhancement and operation of off-highway vehicle recreation facilities, use areas and trails; mitigation of damages to land caused by vehicles; environmental education; and law

enforcement, trailheads, restrooms, access improvements, signing, picnic and camping areas, route inventories, brochure production, and education programs.

Currently 35 areas, systems and routes have been made available for off-road use – some with specific beginner and junior areas. Arizona State Land Recreational Permits are required and cost \$15 individual recreation permit, \$20 for family. State motor vehicle laws apply on many Forest Service roads, meaning the vehicle must be registered and you must be licensed. Some roads and trails are open to unlicensed recreational motor vehicles.

The Arizona Department of Transportation Motor Vehicle Division issues two types of license plates for ATVs and trail bikes: an “Off-Road” or “RV” plate and an “MC” plate. The “RV” plate indicates that the vehicle has been titled in the State of Arizona and allows for off-road travel, but it does not allow riding on or across roads that require the vehicle to be street legal. Arizona law requires either the “RV” or “MC” plate to be securely fastened in a clearly visible position to the rear of the vehicle.

The Arizona State Parks Board has also established the Off-Highway Vehicle Advisory Group (OHVAG) to provide input to the Parks Board on a continual basis regarding motorised trail needs and fund expenditures.

The Arizona OHV Inventory Partnership

The Arizona OHV Inventory Partnership⁴⁶ is a successful collaborative effort between the Bureau of Land Management, Forest Service, USFS-Recreation Solutions Enterprise Team, Arizona State Parks and the Arizona State Land Department. The Partnership is a statewide effort to designate motorised routes to better manage OHV recreation.

The goal is to create a complete inventory of all routes on Arizona public lands. Recreation Solutions Enterprise Team members collect data on motorcycles, ATV's or vehicles using Receivers and Data loggers and maintain inventory data. The knowledge obtained from this route inventory work is being taken to the next level by applying it to route designation work.

To date, Recreation Solutions has completed nearly 20,000 miles of route inventory.

MICHIGAN

Michigan has a well documented off road vehicle strategy.

As part of the strategy development process, state trail coordinators in other states were surveyed in 2004 to better understand approaches taken elsewhere that may benefit Michigan.

A total of 26 of 49 (53%) other States responded. Only six (23%) have a state ORV plan. 25 (96%) had some public land ORV riding opportunities with 77% having federal land opportunities, 73% having state land opportunities and 46% having local public land opportunities.

⁴⁶ <http://www.americantrails.org/resources/motors/AZmap.html>

Michigan also has public land riding opportunities at all three levels of government. About half (52%) used a "closed unless posted open" approach, while 48% had a more permissive "open unless posted closed" approach.

In many states this "open unless posted closed" approach is likely to change if the US Forest service is the provider of a public ORV riding opportunities. The agency has announced a nationwide direction toward a "closed unless posted open" approach that is currently being built into forest plan revisions.

UNITED KINGDOM

"Green Road" is the name applied to minor unsurfaced roads in the UK. It gives the impression of a grass covered track, but many are rocky tracks, some are 'ploughed out' field tracks. There are Green Roads all over Britain.



Green Roads are subject to the same laws as all roads - the bike must be fully road-legal. Any trail rider must:

- have a valid motorcycle rider's licence;
- display a current road vehicle licence (tax disc);
- have a valid MoT certificate of road-worthiness;
- have valid standard road-use insurance for the motorcycle;
- wear a helmet.

By-Ways are open for walkers, cyclists, horse riders and motor vehicles whereas footpaths are for walkers only and bridleways are for walkers, cyclists and horse riders only. There is currently huge debate and lobbying from "ramblers" to close Green Road byways to motor vehicles.

An active body in the UK is the Trail Riders Fellowship whose principal objective is to preserve the Green Roads and defend trail bike riders rights to ride along them without hindrance.

Apart from this debate there appears from the research to be little activity as regards addressing the lack of areas for trail bike riders with most of the impetus coming from the extremely powerful "ramblers" lobby group.

NEW ZEALAND

New Zealand is well known for its excellent trail riding terrain and, as in Australia, it is a very popular activity.

However an internet search did not reveal very much activity or recognition of trail bike riding in NZ – for example the Greater Wellington Regional Council lists 11 Parks of which only one, Akatarawa lists Trail Bike Riding as a specified allowable activity. There are 3 specific trail bike routes between 21km and 42km.

Today there is an extensive network of roads and old logging tracks through the regenerating bush and pine trees of the Akatarawa Forest. The main four wheel drive roads through the forests are open to the public for quad and trail biking, and there is a trail bike zone through the forest. Trail bikes are not allowed elsewhere in the forest or in the other regional parks. All casual trail bikers must have individual permits. Greater Wellington issues these permits at no charge.

<http://www.gw.govt.nz/section550.cfm>

The Canterbury Region provides a 40ha Trail Bike Park with learners', intermediate and seniors' riding areas. There are additional trail riding areas along the Waimakariri River and an active Trail Riders Group working with the Region to develop facilities.

New Zealand is most notable for some active groups protecting user rights to access roads and trails. For example The Paper Road Society of New Zealand exists to protect rights along Public Roads⁴⁷. And the Akatarawa Recreational Access Committee which “provides a single voice for all outdoor recreational users, petitions for increased opportunities for recreational access, campaigns for the full and free utilisation of all roads, walking tracks and bridle paths and opposes any measures that will see a reduction in facilities for recreational use.” These groups have successfully appealed in court road and track closures.



⁴⁷ <http://prs.org.nz/news.php>

PART 2: ALTERNATIVE ROUTES

Key focus area solutions and recommendations

1. THE DESTINATION
2. TRAIL BIKE SUSTAINABILITY MODEL
3. KFA1: INSURANCE, LIABILITY AND RISK MANAGEMENT
4. KFA2: TRAILS PLANNING
5. KFA3: MANAGING FOR SUSTAINABILITY
6. KFA4: CHANGING BEHAVIOURS
7. KFA5: REGISTRATION AND LICENSING
8. KFA6: FUNDING MODELS

THE DESTINATION

It's 8am on a brisk winter morning. Jeff, his wife Sue and ten year old daughter Chloe pull into the unloading area after an early start and a two hour drive from their Riverton home.

There are already more than a dozen other families parked and in various stages of unloading and preparing for the day's riding. The smell of bacon wafts across from the picnic area where several families have already set up barbecues.

Jeff phones the 1900 number to register for the day. He keys in the Area number from the main information signboard and listens as the recorded message gives details of general conditions or any track closures. He's pleased to hear that the Ridge Trail was graded only a week ago. This is a 30km one-way 'blue' trail loop with spectacular views but it's been a bit rutted and technical for Chloe. Today should be perfect for her.

Jeff keys in his Family Permit number and accepts the Risk Acknowledgment. The \$20 family day fee is debited to his phone bill and an SMS with their vehicle registration details is sent to the Duty Ranger for the day.

After unloading the bikes and getting dressed into all their protective riding gear the family cruises slowly through the parking area (observing the 15km/h speed limit) and heads for the sign that marks the start of the Early Riser trail. This is a 10km one-way easy 'green' trail – one of the dozen or so trails that begin and end at the parking / picnic area. This trail is a favourite of Sue who has only recently started riding trail bikes. It's flat, graded regularly and has short straights and lots of turns so you can get into a nice riding rhythm.

They complete the first loop in about 20 minutes and Jeff leaves the girls to make breakfast while he hooks up with his friend Pete who is geared up and itching to ride. They take the opportunity to tackle Gnarly – the 'black' trail for advanced riders. This trail is Jeff's favourite – 30km of just about everything you could expect on a trail. Sand, mud, rocks, lots of single-trail, a couple of particularly testing hills (with optional 'double-black' sections for the real experts) and a creek crossing. When they get to the creek Jeff is pleased to see that they've added an optional, more technical crossing by covering a deeper section of the creek surface with rocks. This one is more challenging than the original crossing which used metal grating to protect the surface and was a suggestion supported by many of the more advanced riders in the online feedback forum.

While Jeff and his family are making a day of it, a car and trailer carrying an apprehensive mum and a very excited young boy is pulling into the car park at the North Metropolitan ORV Area at Pinjar.

Jake turned nine six weeks ago and his parents finally gave in to his obsession about dirt bikes and bought him a Pee Wee 80.

Neither of Jake's parents ride trail bikes so the information kit that they received when the dealer registered the bike as an Off Road Vehicle was very useful. It suggested doing coaching through a Motorcycling WA-affiliated club and provided information about the three Metropolitan Off Road Vehicle areas (North, South and East) as well as general information about rider (and parent) responsibility, how to choose the right protective gear and the legal, safety, social and environmental consequences of allowing children to ride in places where they are not supposed to.

Since then Jake had been to two Junior Coaching Days run by the Trail and Enduro Club and had completed his mandatory five hours of coaching (and theory test) for a Motorcycling WA Junior Licence. Next season he will probably compete in the State MiniKhana series.

Now confident that her son had the basic riding skills Jenny is taking him to Pinjar for a ride.

The map in the ORV information kit showed which of the four entrances was for the youngest Juniors (and Jake had printed all the details from the ORV Web site), so Jenny pulls in and parks. She phones the 1900 number and keys in the Area number from the main signboard. As she helps unload Jake's bike she is pleased to see that there is a Ranger on duty in this area. He comes over and chats while she unloads, glancing over to check the ORV registration sticker on Jake's bike. He suggests to Jenny where she could sit with a clear view of the entire Junior track.

The kids' area is great, thinks Jenny. As well as the 500 metre track – wide, smoothly graded and with short straights, tight corners and even a little (optional) jump – there are several cleared areas where children could practice riding skills and even a little mini-trials area with a variety of obstacles to negotiate. There is also an easy graded 2km trail for children and their parents to ride together. It looks like fun, but Jenny is content just to be a spectator.

Jenny relaxes and watches Jake ride around and around and around the track. In the back of her mind she still has concerns about Jake maybe falling off and hurting himself. But would she rather he stayed at home inside playing with his x-Box? No way.

Not far from where Jenny sits watching Jake riding, Rick, Dean and Simon have just finished the main Enduro loop. At 10km this is the longest of several one-way loops that twist and turn within the pine plantation. It gets plenty of use by bikes and quads so it is whooped out in places but that just adds to the fun for the three guys on their motocross bikes. They grab a drink and then head over to the practice MX track to cut a few laps before lunch.

Meanwhile, a group of ten weary riders are sitting down for lunch in a café in the South West. They have travelled from Capel this morning and are following the South West SuperTrail on a four day ride to Albany and back. Unlike the Bibbulman or Munda Bidli, the SuperTrail is not a single trail; more a series of different designated trails that can be ridden between towns in the South West.

While the majority of the trip is on bush tracks there are some Disease Risk Areas that need to be avoided and these entail travelling on sealed roads. The GPS route markers, maps and other documentation available on the SuperTrail Web site make all of this clear.

Many of the forest trails go through conservation areas, so a special permit is required – a DEC ‘Privilege Pass’ that is only issued to people who attend a training course in environmental issues, achieve accreditation and commit to a code of conduct.

This afternoon they will be riding in an area that is under capacity control, which means they needed to specifically ‘book’ their journey much the same way as a round of golf is booked. These higher conservation areas require groups to follow the Adventure Activity Standards for trail bike riding, with a nominated ride leader taking responsibility for the behaviour and safety of the group.

Adam, the nominated ride leader for this group is very familiar with the route they are taking. He was a contributor to the initial project to develop the inventory of trails that ultimately became the SuperTrail concept. That project looked at public roads and tracks as well as user-created trails (typically single-track that had been in previous use), then evaluated all of the suggestions against a set of criteria that included environmental, user satisfaction, conflict with other trail uses and noise factors.

The end result, Adam reflected, was worth the effort with WA now seen as the most successful state in Australia in managing trail bike use and a model that is referred to around the world.

In a small room in a suburb in Perth Brad takes a break from his X-Box and marks another day off his calendar. Still two months to go before his beloved bike is returned to him. He still doesn’t know how he was sprung that day for riding on the bridle trail not far from his house. No Ranger stopped him and he was sure that the old goat who waved his fists at him as Brad showered him with gravel couldn’t have done anything (little did Brad realise how effective the online neighbourhood incident reporting system was these days).

Still, the whole confiscation thing (and the \$500 fine) did have an up-side. His dad had finally bought a trailer and promised to take Brad to the ORV area in future so he would have somewhere legal to ride...

* * * *

In Part 1 of this report we took a snapshot of the current trail bike situation in Western Australia. We have the opportunity to convert that picture into the one that has just been described.

What follows is a series of recommendations and supporting discussion to help begin the transition from unplanned, unmanaged and unsustainable to planned, managed and sustainable.

It will take financial and resource commitment, political will – and time. But if we choose to do it right we can develop a model that will deliver significant and enduring benefits to the environment, to the economy and to many sectors of the community.

TRAIL BIKE SUSTAINABILITY MODEL

The State Trail Bike Strategy consists of a series of recommendations to help begin the transition of recreational trail bike riding from unplanned, unmanaged and unsustainable to planned, managed and sustainable.



The goal is for trail bike riding to be placed on a sustainable footing.

This requires the pressures, requirements and concerns of the community, land managers, environment groups, regulators, other trail users and trail bike riders to be in balance. If any of these pressures outweigh the others, the system will not be in balance and it will not be sustainable.

The recreation of trail bike riding must have suitable **governance, resourcing** and **funding** to ensure the solutions are sustainable.

To provide improved **trail and venue facilities**, trail bike riding must be better managed which requires increased regulation with **registration, licensing and enforcement**.

For land managers to provide facilities –the issues of **insurance, liability and risk management** must be addressed.

Designated trails and venues must be **planned, developed and maintained** to attract trail bike riders and to ensure minimal environment and community impact.

Education and improved information is needed to foster socially and environmentally acceptable riding behaviours.

KEY FOCUS AREAS

Part 2: Alternative Routes makes a series of recommendations based on six Key Focus Areas which are integral parts of the Trail Bike Sustainability Model.

1. **Insurance, Liability and Risk Management**

Is the first consideration, as without strategies to address these issues land managers and land owners are reticent to make land available for trail bike recreation.

2. **Trails Planning**

Having addressed issues of liability and risk, the focus turns to the type, number and location of riding areas and trails needed, suitable terrain, assessment criteria and land planning.

3. **Managing for Sustainability**

Identifying the land requirements is only effective if the activity can be made sustainable. The focus on strategies for sustainability includes governance, land and trail management, noise regulation and evaluation.

4. **Changing Behaviours**

With solutions proposed for the previous issues, the focus turns to the fostering of behavioural change. Programs are proposed using community based social marketing, education, self regulation and community cohesion and finally enforcement.

5. **Licensing and Registration**

The focus is on changes to the underpinning legislation that will support the range of strategies identified across all key focus areas.

6. **Funding Models**

Finally the focus turns to funding requirements and initiatives to enable the implementation of the recommendations.

It is essential that programs are implemented across all Key Focus Areas as these have been developed to work together. The probability of success will be greater with a holistic and unified approach of non-legislative solutions as well as policing and enforcement.

KEY FOCUS AREA #1 – INSURANCE, LIABILITY AND RISK MANAGEMENT

Trail bike riding is by its nature an activity that has inherent and obvious risks. The highly variable and unpredictable terrain, often traversed at speed, tests the skill of the rider. This challenge – and the adrenaline that it triggers - is part of the thrill of trail bike riding for many riders.

Not all trail bike riders want to push their limits, but even the most sedate of riders must cope with the combined effects of gravity, inertia, rocks, ruts, mud, tree roots, concealed obstacles, other vehicles and a myriad other surprises encountered on the trails.

In the vast majority of cases riders accept the risks. But there are some circumstances where a rider or a non-rider may seek compensation for damages incurred as the result of a riding incident. The potential for these circumstances, and the cost of defending such actions are a significant concern to land managers and their insurers. This has been cited as a principle barrier to the proclaiming of more designated ORV areas throughout WA, and a trigger for the closure of at least one of the existing areas.

Land Managers clearly cannot eliminate every risk from all recreation sites and trails without ultimately changing the very experience that users have come to enjoy. However, a risk management process that identifies and assesses risks, and then identifies measures to remove, reduce, accept or transfer those risks should be undertaken for each riding area. This becomes more difficult, but not impossible, when applied to long trails in the natural environment than to a specifically designed and developed facility in a constrained area.

Strategies can be developed to somewhat mitigate risks and these are explored below. For a more detailed discussion of risk and liability please refer to Appendix 3.

OBJECTIVES

1. To develop an understanding of ORV-specific risk issues that can be used in risk planning.
2. To develop risk management processes that can be applied to ORV areas and trails used by ORV users.
3. To foster pro-active planning for safety.
4. To provide protection for land managers against litigation.

SUMMARY OF RECOMMENDATIONS

1.01 Develop a Master Risk Management Planning Kit that can be applied and tailored to individual ORV Areas and designated trails.

1.02 Develop a Risk and Liability information kit for riders including advice about personal accident insurance, income insurance, ambulance cover etc

1.03 Develop a Trails Planning /Design / Signage Kit to maximise user satisfaction, reduce risk.

1.04 Develop Management Plans for existing ORV areas to reduce risk of injury and litigation.

1.05 Encourage adoption of Adventure Activity Standards principles by riding groups

1.06 Commission ICWA or other insurance provider to develop a Third Party Personal package for off-road and private property cover

1.07 Explore State underwriting of liability to provide protection to local Shires and Councils

1.08 Develop and run a Risk Management, Liability and Insurance Seminar for all land managers, local councils and potential providers and managers of trail riding facilities.

RISK MITIGATION STRATEGIES

The most effective form of risk mitigation are “higher order” controls that do not depend on the day to day behaviour of operators or bystanders to ensure their safety.

TRAIL and VENUE DESIGN

One of the key ways of maintaining safety on a trail or within an off-road venue is through the trail design process. Whilst this is more controllable in a specifically developed trail bike riding area, it can also be achieved on natural terrain. Specifically trail design should incorporate:

- One way tracks (or signage advising of a two way track) to reduce the potential for collisions. (Note that there is some debate about whether one way or two way tracks are actually safer – for discussion on this see: *Managing for Sustainability/ Land and Trail Management*)
- Eliminate crossover tracks wherever possible and post warning signage in advance of where trails cross. In areas like Lancelin where there are no defined tracks or pine plantation areas where there are a grid of crossing tracks a general warning about the nature of crossing trails may be more appropriate.
- Using technical challenges, shorter straights and tighter corners to reduce speed.

- Providing adequate sight lines in trail design to ensure the trail can be easily read and reduce the potential for collisions and conflict between users.

TRAIL SIGNAGE

Trail signage is helpful in reducing risk both in developed trail riding areas and on natural tracks. Clear trailhead signs and colour coded trail markers indicating trail difficulty should clearly indicate the difficulty and types of feature riders can expect to encounter. Additionally risk or warning signs should also be used where unexpected hazards occur, such as 2-way tracks, road or trail crossings.

A land manager's duty of care requires that all riders are aware of the risks, either generally or specifically,⁴⁸ especially if the users cannot perceive the risks themselves, as is expected with novice or junior trail riders. The risk presented by an obstacle or trail feature is dependent on the skill and experience of the rider. Trails should be assessed, classified and signed for different levels of rider, rather than trying to eliminate the risk totally by removing the obstacle or feature.

TRAIL and VENUE MAINTENANCE

A routine of track and trail assessments, maintenance and monitoring should be established and carried out by the land manager or a contractor who has a good understanding of trail standards, design and rider requirements. Trail risks should be assessed from the perspective of trail riders of the level of ability the trail caters for.

It is recommended that a Trail Maintenance and Assessments Register be established online that land managers and riders can add to and see status of maintenance work on the trail. A documented trail maintenance schedule also assists in Policy Defence to any claims of breach of Duty of care (see following discussion on Risk Transference).

RIDER EDUCATION AND RIDER CODE

Where it is not possible or practical to fully eliminate hazards, risk mitigation can be achieved by ensuring that the participants are aware of the potential for risks and are provided with sufficient information to help them operate safely within the environment. For example brochures can communicate codes of conduct and general risk issues such as heat stroke, dehydration, staying on trails, limits of mobile phone coverage and safety on dual-use trails. Such information might be of a general nature or highly specific to the individual location. *See: Section Changing Behaviours / Education for more detail.*

Risk can be reduced in group riding situations by systems such as assigning "lead" (front) and "sweep" (back) riders and using the "corner man system" where the second rider is left at a corner each time the group changes direction, counting through all other riders and then rejoining the group in front of the sweep rider.

Within ORV Areas or ride parks codes of conduct could include designated low speed zones, such as

⁴⁸ See Judgement in *Coombe –v- Shire of Lancelin* as discussed in Appendix 3

around car parks and unloading areas and in areas designated for 'family' riding.

The Adventure Activity Standards currently under development in WA provide a sound basis for reducing risk in group ride situations.

RISK TRANSFERENCE STRATEGIES

Where risk cannot be fully mitigated, Risk Transference is a strategy to reduce the financial risk to one party by transferring it, either wholly or partly, to another.

In the case of recreational trail riding the objective is to transfer risk away from land managers and organisers and onto those who actually participate in the activity – Ride at Your Own Risk.

To this end, the Civil Liabilities Amendment Act provides a legislative instrument designed specifically for this purpose⁴⁹.

CIVIL LIABILITIES AMENDMENT ACT

The Civil Liability Amendment Act 2003 provides an exemption for public authorities from liability arising from accidents associated with a recreational activity for which a reasonable risk warning has been given. There is no obligation to ensure that the warning has been read or understood, only that it is 'reasonably likely to result in people being warned of the risk before engaging in the recreational activity'.

OFF ROAD VEHICLES ACT

To a lesser extent, the Off Road Vehicles Act also provides a mechanism for risk transference under Section 20 (4) which states:

(4) Regulations and local laws made under this Act may make provision for the control of vehicles in a permitted area and for the safety and obligations of persons who use vehicles in the area, and a person shall not drive or use a vehicle in a permitted area unless he complies in all respects with such regulations and local laws and any conditions, restrictions or limitations thereby imposed.

INSURANCE

Despite the best endeavours to eliminate or minimise risk, incidents will occur and claims for restitution will be made. The 'fallback' position is Insurance, which is in itself a form of risk transference..

There are several types of insurance relevant to the issue of off-road vehicle use;

⁴⁹ For details of the application of the Civil Liabilities Act see Appendix 3

THIRD PARTY PERSONAL INSURANCE

Western Australia operates a common law “fault” based compulsory third-party (CTP) scheme, first introduced in 1943.

The scheme provides owners of motor vehicles registered as Class A vehicles under the Road Traffic Act with an insurance policy that covers their unlimited liability for personal injury to others caused by, through or in connection with directly driving the insured motor vehicle in incidents to which the Motor Vehicle (Third Party Insurance) Act 1943 applies.

For the injured third party it provides access to common law, that is, the injured person has a right to approach a law court to seek monetary compensation from the person 'at fault' for the personal injury and other related losses.

As a fault based scheme it requires proof of liability, i.e. the injured party must be able to establish negligence against an owner or driver of a motor vehicle. Consequently, circumstances can arise where, for example, a driver who is wholly at fault in a crash cannot obtain compensation because there is no negligent party against whom a claim can be made.

Under the Act a “motor vehicle” is interpreted as any powered vehicle, required to be licensed, and complying with the requirements necessary for licensing under the Road traffic act. This excludes all off-road vehicles, including those required to be licensed under the Control Of Vehicles (Off-Road Vehicles) Act 1978.

However Section 4 (9a)(a) of the Motor Vehicle (Third Party Insurance) Act 1943 provides the insurance commission with the ability to issue a policy of insurance for vehicles not required to be licensed under the Road traffic act, provided that those vehicles comply with the requirements necessary for licensing under that act.

In Victoria and Tasmania, recreational licensing includes third-party personal insurance. This cover could also be extended to any vehicles licensed under a recreational licensing scheme in Western Australia, however the Insurance Commission of WA suggests that the price of cover, at least until a claims history has been established, may make this unattractive to riders.

When the general circumstances that require Third Party Personal insurance are considered, it could be argued that the number of claims for recreational trail bike riding is likely to be relatively low:

Typical Circumstance	Relevance to ORV Use
A passenger in a vehicle being injured	Recreational trail bike registrations in Victoria and Class B registration in WA, prohibit the carrying of passengers. The same condition should be introduced to ORV Registration to eliminate injury to a passenger as a source of claims.
Occupants of a vehicle being injured in a collision with an	Collisions between vehicles do occur, and when both vehicles are trail bikes or quads there is the potential for injury to occur, although it is much less likely that this would result in multiple third-party

'at fault' driver	casualties as can occur in car accidents. It would also need to be proven that at least one party was 'at fault'.
A pedestrian, cyclist or bystander being struck by a vehicle	If recreational registration confines use to less populated areas, as it currently does in Victoria, then the risk of a trail bike colliding with a pedestrian, cyclist or bystander is reduced. On forest trails the sound of an approaching trail bike can usually be heard with sufficient time to give warning to other trails users. In conjunction with the concept of designated trails and ORV areas, this potential for injury to others is reduced further.

The implications of these observations is that Third Party Personal insurance may not turn out to have a high claims rate and so to extend its cover to a form of recreational registration may well be a practical protection to riders against the risk of personal injury claims.

An option would be to offer non-compulsory Third Party Personal insurance, with partial subsidy provided from ORV Registration fees. More information needs to be provided to riders to ensure that they are aware of the possibility of a personal claim against them – and the associated financial implications.

THIRD PARTY PROPERTY / COMPREHENSIVE INSURANCE

Covers the rider for property damage to others, such as that incurred from colliding with another vehicle or structure. Third Party, Fire and Theft insurance is much more common than Full Comprehensive cover, given the cost of comprehensive insurance relative to the value of the vehicle, but many bikes, quite possibly the majority, carry no insurance whatsoever.

AMBULANCE COVER

Most regular trail bike riders would – and all should - have ambulance cover. The cost of an ambulance trip from a remote location can run into several hundred dollars.

EVENT COVER

Organised events run under the Risk Management policies of Motorcycling Australia carry public liability up to \$50 million as at 2007 and limited personal accident insurance, as well as insurance for officials and organisers. B Class or A Class registration is a requirement of entry when these events include public roads, and this carries CTP Insurance provided as part of registration by the Insurance Commission of WA.

Motorcycling Australia's insurance provides competitors with Capital Benefits of up to \$150,000 for quadriplegia or paraplegia, with lesser amounts for other injuries. It provides for, among other benefits, weekly benefits for Marshalls and Officials who are income earners, a Home Help weekly benefit and a Parents' Inconvenience benefit.

PERSONAL ACCIDENT INSURANCE

This type of insurance covers a rider with Capital Benefits and / or limited income protection in the event of an accident that prevents the rider from working. This type of insurance is recommended

for recreational riders. Some insurance companies offer accident insurance for non-competitive activities, but some also include racing as an allowable activity.

PUBLIC LIABILITY INSURANCE FOR LAND MANAGERS

Most local government authorities in Western Australia participate in a self insurance pool operated by LGIS (Local Government Insurance Services). This scheme spreads all risks across all constituent councils and does not currently alter the premiums for individual councils based on risk profile or claims history.

From the perspective of providing liability cover for designated off road vehicle areas this scheme appears fair in that it recognises that while an ORV area may be under the control of an individual council, the users of that area (in some cases the majority) are likely to come from other councils who should bear a proportion of the insurance impacts.

It is possible that in the future the LGIS risk-sharing policy may change to the detriment of those local councils providing ORV facilities, such as penalising individual councils with higher insurance premiums because they allow 'higher risk' recreational activities. In such an event the liability for these areas should revert to the State Government in recognition of the fact that the user base comes from a broader catchment area than the managing Council.

KEY FOCUS AREA #2 TRAILS PLANNING

One concept that has received almost universal agreement is that in order to reduce the amount of undesirable trail bike use there has to be more provision made for *managed* use of trail bikes.

The starting point for this is to identify the existing areas and trails where trail bike use can be encouraged, consider the requirements of quantity and type of trails needed and prepare a gap analysis to inform what additional areas and trails are needed.

The objective is to provide enough trails and riding areas to satisfy riders (thereby gaining compliance) whilst minimising environmental and social impacts.

In general, the more dispersed the riding, the greater is the opportunity to:

- reduce the environmental impact that occurs through over-use
- provide separation of uses that will avoid usage conflict (including the conflict between motorised and non-motorised recreation)
- provide the diversity of experiences sought by riders
- attract riders away from areas where trail bike use creates problems

But achieving *dispersal* requires a more complex management framework than does the opposite approach of *concentration*, so the concepts of land management and land identification need to be viewed as an integrated system.

OBJECTIVES

1. To identify suitable locations for the managed use of trail bikes in order to provide an attractive alternative to areas where trail bike use should be discouraged.
2. To balance the reasonable demand for all lawful types of trail bike riding with the need to protect the environment and the amenity of the community and other recreationalists.
3. To develop a continuous process that reflects the dynamics of changing land use and patterns of trail bike use.

SUMMARY OF RECOMMENDATIONS

2.01 Develop a 'trails inventory' as the basis for a transition to the concept of designated trails to prevent proliferation of user-created trails

2.02 Provide more opportunities for legal recreational riding with a focus on the following:

- 2.021 Existing ORV areas to be redeveloped with planned facility design
- 2.022 Two additional metro ORV areas – south metro and east / hills.
- 2.023 Additional regional ORV areas
- 2.024 8-10 Small local areas suitable for young riders.
- 2.025 2 areas suitable for lease to Minikhana clubs
- 2.026 Designated trail systems that include some limited sections open to Junior licence holders.
- 2.027 Trails and circuits within ORV Areas for quads only and consider areas or routes suitable for a 'destination trail' for quads.
- 2.028 Selected public trails as ORV areas so that they can be used by ORV-registered vehicles and junior riders to deliver the destination trail ride concept to family groups.
- 2.029 Multiple local facilities that are modest in size and construction to attract riders from problematic hot spots, metropolitan and country areas.

2.03 With a few clearly designated exceptions (ref 2.026, 2.028), public trails in Western Australia should require the use of a registered ADR-compliant motorcycle

2.04 Development of a permit system – or '*privilege pass*' – that gives access to more environmentally sensitive land only to those who can demonstrate a preparedness to take special care of the environment.

2.05 Where trail impacts need to be further controlled a system of 'route bookings' to be implemented

2.06 Establish a funding grant to assist commercial operators/local government in the development of commercial bike parks.

2.07 Develop a standardised matrix for the evaluation of riding areas and trails.

2.08 Local government authorities to include trail bike riding requirements in Master Trails Planning. This is to include collaborative planning with neighbouring LGAs.

2.09 The WA Planning Commission to include recreational trail bike riding in its consideration when acquiring land through the Metropolitan Region Improvement Tax.

2.10 Establish key trial sites to demonstrate principles of good design and management and assess impacts on rider behaviour.

THE PRINCIPLE: MAKING THE TRANSITION TO DESIGNATED TRAILS

Probably the biggest contributor to environmental damage is the proliferation of ‘user-created’ trails where riders or drivers leave an existing trail and create their own. Sometimes they do this to bypass an obstacle on a track, sometimes to create a new route for a specific purpose or sometimes to simply travel cross country.

“Since most user-created routes are not designed or constructed they often create resource impacts, cause social user conflicts, and provide poor recreational opportunities. However, they should be reviewed during the planning process to determine if they fulfill a valid need and, if necessary, can be changed to meet resource considerations.”

- Management Guidelines for Off-Highway Vehicle Recreation, Tom Crimmins, National Off Highway Vehicle Conservation Council (NOHVCC)

Before considering where ORV use can occur it is essential to establish some ground rules for *how* that use will occur on the identified land.

Without such guidelines the inevitable long term result will be more areas like Gngangara – a trashed environment that is a safety hazard from a number of perspectives and that offers little rider satisfaction. In becoming unattractive to riders, this severely diminishes an area’s ability to attract riders away from priority conservation areas and other places where ORV use causes community problems.

The guidelines are also necessary to give some confidence to land owners and managers, who may be considering or asked to provide ORV facilities, that trail bike use *can* be managed in an environmentally sustainable way.

With the exception of dune areas like Lancelin or designated ‘play’ zones within ORV Areas, cross country riding off designated trails and tracks should be strongly discouraged.

The process of cross-country riding, creating new trails or ‘bush-bashing’ is not currently legal in any public land with the exception of designated ORV areas, but the full extent of the damage that can be created by this activity, particularly long term impacts, may not be appreciated by many riders.

More problematic is the distinction between a formed track or trail that is a public road (which can legally be ridden) and a formed track or trail that is actually the end product of regular riding or driving over a period of time on a track that was originally (illegally) user-created. Visually it is often difficult to discriminate.

A fundamental requirement in managing trail bike use is to effect a transition in riders from a belief that it is okay to ride anywhere, to a fully internalised recognition of the importance of sticking to the tracks. So it is important to have a strategy for dealing with this.

TRAILS PLANNING PROCESS

There are two fundamentally different approaches that can be taken to the identification of land.

The first approach treats trail bike riding only as a problem to be solved. This approach identifies land that *prima facie* fits all environmental and social criteria – ie land that has limited or no conservation value, is outside water catchment areas, is well away from any residential development and that is not reserved for some future incompatible use – and then attempts to confine ORV activity to those areas.

“Ban trail bikes in all areas including residential, and make provision of "approved" circuits for bikers to use in industrial and other areas where noise and pollution will not impact on residents” - Community Survey respondent

This approach may satisfy the community that ‘something is being done for trail bike riders’, but the solution is likely to be at best a temporary one as it would only be by coincidence that areas selected on this basis would truly satisfy the qualitative needs of riders.

To achieve a solution that is sustainable in the long term there must be a genuine attempt to strike an optimum balance. It is clearly not reasonable for riders to expect *carte blanche*, but it is equally unreasonable to assume that motorised recreationalists should be fed only the scraps after all other users have been satisfied. Trails ‘Master Planning’ at state, regional and local levels needs to consider all forms of recreation, including motorised. It is only through inclusions that the potential conflicts can be addressed and planned for.

So the second approach recognises the social and health benefits that *managed* trail bike riding can deliver to the community. A set of ‘user requirements’ is established first, then areas of land that meet the user requirements are identified, then consideration is given to how – and if - any environmental issues can be managed.

The ‘User Requirements’ can be considered purely theoretically, from the perspective of what the different types of riding and riders *ought* to want, or it can also include the practical consideration of where riding currently occurs as evidence of what is currently attractive to riders.

The latter is the approach recommended. It essentially adds the ‘*what have we got*’ element to the ‘*what do we need*’ and in so doing lays the foundation for a consideration of ‘*what is missing*’.

The steps involved in this process are:



Audit - Develop an inventory of where trail bike use currently occurs. Consider each currently used area in the context of why riders use the area – proximity (convenience), size and riding quality.

Evaluate– Consider each area and trail for potential continued use. A gap analysis compares the current inventory against requirements.

Plan – How many different areas and trail systems? For what riding experiences? With what facilities? With what funding?

Implement – Acquisition, partnering, resourcing, trail design and construction / modification.

Communicate – Ensure that all conditions for use of an area or trail are clearly understood by users and the surrounding community.

Review – Evaluate the success or otherwise of the area against user satisfaction, compliance with conditions, sustainability and community acceptance. Feed this information into the next Evaluation cycle.

This approach is further expanded with recommendations by the US National Off-Highway Vehicle Conservation Council⁵⁰ and the approach adopted by the US Department of Agriculture Forest Service in its Final Rule on vehicle management⁵¹.

The principles are suggested for adoption in Western Australia on an area by area basis, although the actual mechanics of the process may vary according to existing processes used by DEC and other land managers. The phases of the process model described above are highlighted in bold type:

1. **Temporarily designate** all existing vehicle tracks in an area as open and available for trail riding use (by licenced riders / registered bikes unless in a designated ORV area)
2. **Prohibit cross country riding** and cutting of new trails to reduce route proliferation.
3. **Route inventory (Audit)** – compile an inventory of existing trails regardless of how the trail was created, on the basis that if it is being used then it meets a current need.
4. **System layout (Evaluate, Plan)** – identify how existing routes can be used and connected to provide a system that meets rider needs and achieves desired environmental and management objectives. Note that the complete Audit of the area need not be finalised before this phase commences, as existing routes subsequently identified can be incorporated into the plan.
5. **Trail Design (Plan)** – where new trails are required to relocate existing user-created routes that are not sustainable or to add to the trails inventory to increase the carrying capacity of the area in a managed way, these should be planned for ;-
 - a. Environmental protection
 - b. Maintenance Efficiency
 - c. User safety
 - d. User satisfaction
 - e. Site-specific factors
6. **Area development (Implement)** - Once an area has been planned the new designated routes become the only legal routes. Signage is installed and trail closures enforced.
7. **Route Publishing (Communicate)** – On-ground signage is supplemented by printed area maps, GPS downloads and online information to ensure that users know where they can and can't travel within the area. The principle of adhering to designated routes to avoid further restrictions needs to be picked up by associations, clubs and informal riding groups and communicated to members so that peer pressure becomes a behaviour change agent.

⁵⁰ Management Guidelines for Off-Highway Vehicle Recreation, Tom Crimmins, NOHVCC

⁵¹ Travel Management; Designated Routes and Areas for Motor Vehicle Use; Final Rule – US Department of Agriculture Forest Service – 9 November 2005

8. **Adapt (Review)** – The area should be monitored for the effectiveness of the strategy and adapted as required. A formal mechanism is required for riders to request new trails and for land managers to apply rotational (or permanent) trail closures. This is the role of the Local Management Committees described under the Governance model (See: *Managing for Sustainability / Governance*).

This process is particularly appropriate in certain State Forest lands or other areas that may be considered candidates to become designated ORV areas or routes. A management plan can be piloted while access is restricted to registered vehicles, then the area can progressively be opened to other classes of vehicles within an already functioning management system.

While the process is primarily designed for managing large scale areas with many kilometres of trails, it can also be scaled right down to suit a small local ORV facility.

The following sections explore in more detail the first 3 steps in the Trails Planning Process (Audit, Evaluate, Plan) with the next 3 steps (Implement, Communicate, Review) considered in more detail in the next section *Managing for Sustainability*.

TRAIL INVENTORY - AN AUDIT

Developing a 'trails inventory' that includes all trails currently in use by riders is the first stage of the process. The inventory should be as complete as possible, regardless of how the trail was created, as the decision on whether the trail will be retained is made later in the process.

Data should be collected on the route location, condition, potential management issues, features such as vistas, support facilities (trailheads, access points, unloading areas).

Including all trails inevitably means that many user-created trails are included. This can be a concern for land managers and conservationists, but there are some compelling advantages to this approach.

Firstly, the fact that user-created trails are included on the initial inventory does not in itself condone the use of those trails, nor does it indicate that they will be legalised for use. It does, however, encourage riders to submit trails data for consideration, which can dramatically speed the process of developing the inventory – particularly given that many riders now use GPS technology.

Secondly, some user-created trails are well-sited, may involve less environmental impact or may divert a trail away from property boundaries. Recognising appropriate user-created trails and adding them to a 'trails inventory' can help preserve user satisfaction while lessening the risk of further environmental damage.

“Some user-created routes would make excellent additions to the system of designated routes and areas. The Forest Service is committed to working with user groups and others to identify such routes and consider them on a site-specific basis.”
- US Department of Agriculture Final Rule on Motor Vehicle Use

Finally, by including, assessing and considering user-created trails, there is more likelihood of securing compliance when inappropriate user-created trails are closed for rehabilitation.

It must be made absolutely clear to the riding community that once the trails audit process has commenced any new user-created trails will be automatically rejected and immediately closed. Moreover the full weight of the law should be brought to bear against any person found cutting new trails after the declaration of the audit process.

The vast majority of trails that are of interest to riders occur within DEC-managed land. Over the past four years engineering consultants have been auditing DEC's roads and have so far covered four regions - Southwest, Swan, Warren, and the South Coast regions with a total of 17,500 km of roads. There are five regions still to be audited and about 19,000 km of roads. These are the Midwest, Pilbara, Goldfields, Wheatbelt and Kimberley regions.

In developing a trails inventory, the work being undertaken by DEC should provide a solid foundation on which to base the initial Audit as described in the proposed Trails Planning Process . The roads that are being audited are considered strategic roads which means they are important for their intended purpose (which can be anything from providing restricted access to monitoring equipment right up to providing a major road for high-volume tourism use).

The roads are being classified according to the 7 point Roman system:

0	No track	in other words totally overgrown. Typically roads that used to exist but no longer do and where DEC have either deliberately or through simple lack of use allowed those tracks to become overgrown.
1	Unconstructed tracks	These are the typical tracks created through the bush with no mechanical creation - for example where a four-wheel-drive has pushed through or single track.
2	Formed tracks	These are typically done with a dozer or a grader, using in situ material and simply clearing the vegetation. Examples include fire breaks and limited access roads. These tracks generally have some shaping (camber, cross fall shaping) and within category 2 they are rated from 1 (poor) to 5 (good) based on the unsealed shape.
3	Unsealed paved services	Typically limestone or gravel has been brought in to seal the natural surface. These would normally have offshoot drainage or simple table drainage. Early indications are that 30% of the roads audited within the region's to date fall into this category.
4	Sealed	Roads that are bitumen sealed
5	Semi-curbed	Roads that are bitumen sealed with a curb on one side for drainage.
6	Fully curbed	Road that are bitumen sealed with curbs on both sides. This latter category represents only 2 to 3% of DEC controlled roads.

Of most interest to trail bike riders are those roads classified as 1 (unconstructed track) and 2 (formed tracks). Unconstructed tracks are the trails most likely to be narrower, twistier and more challenging, and would include the highly desirable single-track. Formed tracks tend to be faster, flowing and more suitable for longer distances.

Unsealed paved surfaces are the typical gravel roads so prevalent in non-metropolitan areas. The wider and straighter the less satisfaction they provide riders. These are considered 'transport' sections by responsible riders who take care not to damage the surface with wheelspin.

While not, by definition, existing as tracks, Level 0 roads should also be considered for re-establishment as single-track where appropriate. This could usually be achieved by riders themselves so the clearing footprint would be minimal.

As part of the online survey riders were asked to nominate places where they ride. This information has enabled the start of a trail audit to be included in this report (See: *Appendix 1 – Riding Locations*). While the current listing is not complete and lacks the level of detail necessary for detailed planning it does capture many of the main areas frequented by riders and provides some

discussion about the future possibilities of many of these areas – irrespective of how they are currently perceived by riders and land managers. These user-created trails and commonly used routes can be overlaid onto the DEC road audit to provide a more complete Trail Inventory.

In conjunction with rider input it should be possible to:

- estimate the number of trail kilometres available for riding on each of the road classification levels,
- develop interconnecting routes
- classify routes according to conservation value and sustainability for the purposes of capacity control
- define trail gradings, establish signage and maintenance requirements on a route-by-route basis
- secure route sponsorship by clubs, organisations or volunteer groups
- calculate funding requirements on the basis of an agreed per-kilometre funding rate for trail development and maintenance
- designate selected trails as ORV areas so that they can be used by ORV-registered vehicles and junior riders (subject to any additional permits or conditions that may be imposed)

It is recommended that this process be continued as a separate project to develop a more complete understanding of where riding occurs and to create an *ORV Trail Inventory*.

EVALUATE AND PLAN

The next consideration in planning for managed trail bike use is to consider each area and trail for potential continued use. A gap analysis compares the current inventory against requirements⁵².

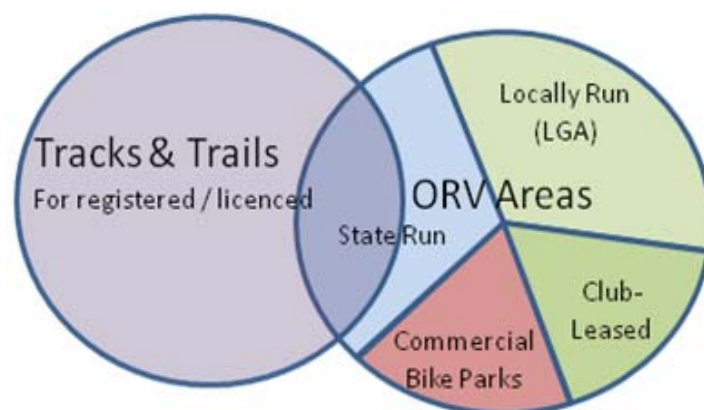
The process includes identifying how existing routes can be used and connected to provide a system that meets rider needs and achieves desired environmental and management objectives. Existing trails are either used, modified (if they have issues) or closed and relocated. Some areas will be obviously and totally unsuitable. In other areas some of the immediate obstacles may be able to be mitigated by a management approach to the area. Even areas currently accessed illegally may be able to be made available under an appropriate management plan.

TYPES OF RIDING AREAS

Different types of areas and trails are used for different types of trail bike riding activities (see: *Part 1: About Trail Bike Riding in WA / Riding Experiences*). Each type of riding requires different amounts of land, trail length and design, buffer zones, terrain, slope, distance from population centres, type of access to the area, onsite management and regulation. Therefore when discussing trail and land requirements this needs to be done in the context of the type of riding activity.

The main distinction is between those public tracks and trails that are available for road-registered bike / licenced rider and those designated ORV areas that are available for unregistered bikes and /or unlicensed rider (ORV registered).

There is scope for some overlap between these two types of areas, as will be discussed in this section.



⁵² Note that the complete Audit of the area need not be finalised before this phase commences, as existing routes subsequently identified can be incorporated into the plan.

OFF ROAD VEHICLE AREAS

Regional Facilities

These are facilities that service a broader catchment than the immediate area within which they are located. Designated ORV areas will continue to play an important role in the provision of managed facilities for unlicensed and unregistered ORV users.

Currently facilities such as Gnangara and Pinjar are not managed for sustainability. As a result, Gnangara in particular is in an appalling state.

The long term future of Gnangara is uncertain with the multi-agency Gnangara Sustainability Strategy exploring future use of the area after the clearing of the pine forests. The Pinjar facility has received less use and is in better condition than Gnangara. It also has several important advantages over Gnangara, the most significant of which is sealed road access on three sides, and therefore has the potential to be developed to accommodate a higher number of users.⁵³

With proper planning, funding, development and maintenance, an area the size of Pinjar should be able to accommodate many times the current number of riders – with greater safety through separation of different types of riders and by better dispersing of riders throughout the area.

Planning should focus on the development of a trails network, several practice MX tracks, designated areas for juniors and special interest areas such as trials, separated into precincts.

Even assuming a properly redeveloped Pinjar ORV area, at least two more major off-road vehicle areas are required within the greater Perth metropolitan area in order to cater for the increasing number of ORV users and to attract riders away from local areas of conservation value and social nuisance.

One facility is urgently required to satisfy the unmet demands of southern suburbs residents, and another is required in the eastern/Hills region. Designated ORV areas are also urgently needed in major regional areas such as Albany, Bunbury, Geraldton, Kalgoorlie and Port Hedland. (See: *Appendix 1 – Riding Locations* for candidate sites.)

OFF-ROAD VEHICLE AREA	RECOMMENDATION
LANCELIN / LEDGE POINT	Retain as a freestyle area suited to motorcycles, quads and buggies. Management plan required to address safety issues and community concerns over noise and illegal street riding.
GNANGARA	Intensive redevelopment needed to convert from a wasteland into a planned and managed facility. Could be segmented into several special interest zones. Subject to outcomes of Gnangara sustainability

⁵³ For a detailed discussion on current ORV areas see Appendix 1: Riding Locations

strategy.

PINJAR

Significant development potential with better access than Gngara providing for easier segmentation into user zones. Needs proper planning and management / maintenance plan to ensure sustainability.

YORK

Consider creating a junior track and short trail loop on adjacent property.

ADDITIONAL EAST

Pressure on hills area would be eased with a regional ORV facility.

ADDITIONAL SOUTH

Medina (Thomas Rd) area could be developed into a planned and managed facility if extended beyond current boundaries, possibly with extension via sub-lease into the ARG land to the south. An additional location in the region must be identified as a priority to relieve pressure on industrial land and reserves in the vicinity

ADDITIONAL REGIONAL

Areas around Dwellingup, Collie, Capel and Greenbushes have potential for development into managed facilities, and an extensive trails network (predominantly for registered / licenced) could be developed in the region.

Off road vehicle areas can be established and run as commercial ventures, can be areas leased and provided by clubs, can be provided by local government authorities, or can be provided by state agencies such as DEC.

ORV Trails

Within the provisions of the Control of Vehicles (Off-Road Areas) Act there is opportunity to explore the concept of certain designated trails being declared off road vehicle areas while the land that they pass through remains public and off-limits to ORV-registered vehicles. While there are various challenges in this (such as the need to cater for operational trail diversions at short notice) it is recommended that this concept be fully explored as it would provide the simplest mechanism for delivering the legal destination trail ride concept to family groups.

Local Facilities

While the preference might be to concentrate all riding in the regional facilities as described above, there is still an opportunity to provide smaller local facilities as a strategy to attract riders away from local conservation areas, bridle and walk trails and other areas that cause noise and community safety concerns.

These facilities can be modest in size and construction, with an open, clear area for learners, a couple of simple circuits (providing separation of young children from adolescents and adults), and

an area for car parking and unloading. The York ORV areas is a good example of a small local facility that works well according to York Council rangers and regular users of the area.

Future industrial area such as Abernethy Rd, or old tip sites would work well as local facilities.

NETWORK OF PUBLIC TRAILS

The respondents to the riders’ survey sent a clear message: ‘Real’ trail riding is not just going around and around in circles on a motocross track – it is about a journey, exploring, going somewhere (even if the trail is a loop and the destination is also the starting point).

Respondents to the riders’ survey ranked to their interest as follows:

1. A network of signed, one way forest trails,
2. A dedicated offroad motorcycle park,
3. Unmarked forest trails.

The lack of interest in trailbikes being restricted to 4WD tracks shows that trail bike riders do not perceive trail bikes and 4WDs to be compatible.

20. Please tell us what you think of the following options:						
	No interest	Would use occasionally	Would use frequently	Would use constantly	Rating Average	Response Count
A network of unmarked forest trails	8.5% (74)	28.1% (244)	39.9% (346)	23.4% (203)	2.78	867
A network of signed, one-way forest trails	6.4% (56)	20.3% (178)	38.0% (333)	35.3% (309)	3.02	876
A dedicated offroad motorcycle park	7.5% (65)	21.6% (188)	26.0% (227)	45.0% (392)	3.08	872
Trailbikes restricted to 4WD tracks	40.7% (355)	32.1% (280)	18.1% (158)	9.1% (79)	1.96	872
	<i>answered question</i>					876
	<i>skipped question</i>					222

This highlights the primary distinction between those who enjoy riding in an area (circuits and freestyle) and those who enjoy riding longer distances on trails.

Rider requirements are for a network of trails within 1-3 hours of Perth (or regional centre) that have trails varying from 5km to 100kms in length, are scenic, include hills with trail routes that loop or run point to point. (Further details about Trail Planning and Design can be found in the Section *Managing for Sustainability / Land and Trail Management*).

COMMERCIAL TRAIL BIKE PARKS

There are a number of individuals who have indicated an interest in establishing and/or managing a commercial trail bike park within Western Australia. There is significant support for this amongst

trail riders with over 50% indicating they would ride in commercial parks on a regular basis if they were available.

The interest in a commercial trail bike riding farm is further shown below with 86% of respondents indicating that they would pay to ride at such a facility.

21. If there was a commercial Trail Biking Riding area/farm/ranch that cost \$25 per day per rider – would you go?			
		Response Percent	Response Count
Yes - occasionally		35.4%	334
Yes - regularly		24.8%	234
Yes - frequently		25.7%	243
No		14.2%	134
<i>answered question</i>			944
<i>skipped question</i>			154

Respondents indicated that such a facility would most need to have long flowing trails (indicative of general trail riding requirements), with separate areas for kids and a focus on safety. Advanced riders wanted hills and technical challenges indicating the type of terrain needed.

22. What would you want such a park to have?			
		Response Percent	Response Count
Accommodation		42.2%	398
MX tracks		69.0%	651
Freestyle areas		46.9%	443
Picnic areas		71.5%	675
Safety		79.8%	753
Tight single trail		63.6%	600
Long flowing trails		82.5%	779
Hills and technical challenges		78.5%	741
Separate areas for kids		79.7%	752
Other (please specify)			207
<i>answered question</i>			944
<i>skipped question</i>			154

There is also support amongst industry, land holders and government for such facilities as they ease the pressure on public facilities.

The current barriers to entry are land costs, a lack of understanding of the processes required to establish such a facility, the costs of approval and development, levels of staffing, management and maintenance required and compliance with environmental requirements. But by far the biggest issue is the lack of clarity and assistance around liability, insurance and risk management.

Private landholders and commercial operators looking to provide trail bike riding facilities need to be supported through appropriate provisions of planning schemes and by the underpinning legislation (see section later in this report). Local Government should be more supportive of businesses or clubs seeking to develop commercial trail bike parks.

It is recommended that a Policy is developed to communicate the State’s stance on commercial bike parks and a funding grant be established to assist commercial operators / not for profit clubs and associations / local government in the development of privatised bike parks. (See Section on Funding Models for more details on grants).

TRAIL AND LAND REQUIREMENTS

To determine the criteria for selection of new land, areas and trails we need to consider the specific land requirements of different users, vehicles and experiences. It is imperative that this work be done in conjunction with representatives of recreational trail riders who understand trail rider needs.

The following table summarises these. Note that the ‘Worth Exploring’ column contains suggestions for possible further investigation and is not intended to limit the options for any given category:

RIDER SEGMENT	REQUIREMENT	WORTH EXPLORING
Junior riders <12 with parents	Small local areas – approx 1 acre with a one-way smooth circuit track with short straights that can be reconfigured periodically and some simple mini-trials areas. Firm soil conditions required. Full circuit needs to be visible from car parking area. Approx 8-10 required distributed evenly throughout metropolitan area and in regional centres. Publicly accessible but can have a volunteer group to maintain.	Cordon off areas within ORV Areas. Future industrial or residential vacant land. Designate areas that might not be suitable for unrestricted ORV use – eg outer water catchment areas.
Junior Minikhana	Small regional areas – approx 2-6 Ha. Leased to Club for structured Minikhana competitions as defined and governed by Motorcycling Australia. Long term tenure required as built infrastructure is required. Approx 2 metro sites should be identified, plus regional areas. Motorcycling WA and RTRA will encourage and assist formation of clubs	Land designated for recreational purposes. Future industrial or residential vacant land. Former mining areas

Junior Enduro	Operates under Motorcycling Australia governance and insurance. Currently negotiates access to private farmland within 1-2 hours of Perth. Current arrangements appear sustainable.	No specific requirement
Senior Enduro	Operates under Motorcycling Australia governance and insurance. Class A or Class B registration. Requires mix of Category 1 and Category 2 tracks with length of up to 120km per event day. Hills very desirable. Often a mix of public and private land. Can be restricted to one event per area per annum	State forest within a 2-3 hour driving radius. Former mining areas. Private farmland. Pine forests that are scheduled for clearing within 1-2 yrs.
Destination Trail riders – licenced / registered (including limited sections open to Junior licence holders⁵⁴)	Trail routes that loop or run point to point. 5km to 100km including a mix of Category 1 and Category 2 ⁵⁵ tracks – some flowing, some tighter and more technical. Hills very desirable. Surface conditions conducive to consistent use Scenic interest very desirable. Facilities at trail end (fuel, food, accommodation) highly desirable.	State forest within a 2-3 hour radius from Perth. Similar for regionals. Former mining areas Pine forests Designated routes throughout South West
Trail riders – unlicenced / ORV-registered	Trail routes that loop from a parking area and can be confined within an ORV area. 5km to 100km including a mix of Category 1 and Category 2 tracks – some flowing, some tighter and more technical. Hills very desirable.	Identify and create 2 additional metro ORV areas – south metro and east / hills. Identify and create additional regional ORV areas – eg Albany, Bunbury, Geraldton,

⁵⁴ See: Junior Riders' Licence Discussion Paper

⁵⁵ Category 1 and unconstructed tracks and Category 2 are formed tracks – see Trail Inventory later in this section

	Surface conditions conducive to consistent use	Kalgoorlie and Port Hedland. Rehabilitated mining areas Pine forests
Quad bikes	Trail routes that loop from a parking area and can be confined within an ORV area. 5km to 50km including a mix of Category 1 and Category 2 tracks – some flowing, some tighter and more technical. Surface conditions conducive to consistent use	Designate trails within ORV Areas Create suitable destination trails for Quads
Freestyle	‘Play’ zones where riders can just have fun. Some small jumps, some obstacles for practice. Open cleared areas.	Designated sections of ORV areas
MX Practice	Planned circuits 500m – 1.5km with berms, jumps and short straights. Land requirement 1-3Ha, significant noise buffer required.	Cordon off areas within ORV areas. Areas of future industrial land that can be designated as temporary ORV areas. Encourage clubs with leased facilities to open on a user-pays basis between club events.
Trials Practice	Small areas (less than 1 acre can suffice) with natural or introduced features that trials riders can practice on. Two – three required within the metropolitan area. Could be leased and managed by Trials clubs. One exists at Wanneroo, so southern districts would be priority.	Disused quarries

SUPPORTING SYSTEMS

VEHICLE REGISTRATION

As has been previously discussed in *Part 1: State of the Nation*, in Victoria the Recreational Registration allows non-ADR-compliant motorcycles to be registered for non-urban, non-highway use if they are fitted with a lighting kit and a mirror. This has resulted in motocross bikes being used on trails, creating issues of noise and trail damage.

Rather than go down this path it is recommended that, with a few clearly designated exceptions, public trails in Western Australia should require the use of a registered ADR-compliant motorcycle. (See: Underpinning Legislation for a discussion of A Class, B Class and proposed ADR compliant

The rationale for this is that it forces riders to make a considered decision about where they will ride at the time they purchase their motorcycle. Those whose intent is destination trail riding will pay a premium for a registerable bike, but this is just part of the commitment they need to make for the privilege of riding through areas with higher conservation values.

PRIVILEGE PASS

Taking this concept a step further, consideration should be given to a permit system – or ‘*Privilege Pass*’ – that gives access to premium land to those who can demonstrate a preparedness to take special care of the environment.

To obtain a permit applicants may be required to attend training and pass a test to demonstrate their understanding of minimum-impact practices. They would be required to abide by a code of conduct and could even be required to undertake an amount of voluntary trail maintenance work each year. The permit and training may be issued directly via DEC or licenced through accredited clubs, associations or training providers.

Optionally a Privilege Pass holder may be entitled to bring a designated number of visitors through an area, provided that the pass-holder accepts responsibility for the group.

To a certain extent and at an unofficial level this currently occurs with commercial operators given permission to access conservation areas. Commercial operators have more motivation to do the right thing (ie potential loss of their operating licence) so the understanding is that the commercial operator will take an element of responsibility for the trails, ensuring that they are not over-ridden, making the occasional ‘running repair’ such as creating run-off channels to divert water off a trail to prevent erosion, reporting downed trees etc.

The Privilege Pass concept reinforces the message that extra care is required when motorised recreation is conducted in sensitive areas, and acts as an incentive and reward to those who make a commitment to caring for the environment.

TRAIL BOOKINGS

Where trail impacts need to be further controlled a system of ‘route bookings’ could be implemented to limit trail traffic. This system would be like booking a tee-off time on a golf course,

whereby a ride organiser would book a trail for a specific number of riders on a specific date. The system could be provided online via the “Back on Track” website (Refer to *Managing for Sustainability / Education* section).

ASSESSMENT CRITERIA

The following evaluation matrix is proposed for the evaluation of riding areas and trails:

Issue	Description What are the specifics of this issue in this area?	Status Unknown, identified, in negotiation, approved, rejected	Severity From ‘Positive Attribute’ to ‘Show-stopper’	Prospect of Resolution Can problems be overcome?	Stakeholder Who is responsible, involved
Rare, endangered or protected Flora					
Indigenous or other Significance					
Noise impacts					
Recreational conflict					
Travel distance					
Parking / unloading areas					
Access Road					
Existing trails and tracks					
Environmental sustainability					
Facilities – fuel, shops, accommodation, medical					
Mobile phone coverage					
Terrain					
DRA					
Water Catchment					
Dust control					
Capacity					
Access control					

LAND PLANNING

Local government authorities should include trail bike riding requirements in Master Trails Planning. This will help ensure separation of motorised and non-motorised uses, provision of facilities as practical and that the needs of trail bike riders have been considered in the same way that the needs of other recreators such as walkers and cyclists have been considered. Inclusion of trail bikes and 4x4 in planning will also assist in managing conflict between user groups.

Such planning should be done collaboratively with neighbouring LGA's to provide for a network of trails that cross boundaries where appropriate.

While some LGAs have previously expressed a desire to include motorised recreating in trail planning, most have not done so because of the restrictive provisions of funding through the State Trails Grants provided by LotteryWest. *See: Funding Models* for recommendations to remove this obstacle.

Similarly the WA Planning Commission should include recreational trail bike riding in its consideration when acquiring land through the Metropolitan Region Improvement Tax for public recreation purposes.

TRIAL SITES

In implementing the plan there is a need to establish some key trial sites that demonstrate the principles of good design and management and to test the effectiveness of these and other management and education controls in changing rider behaviour. In this way areas would be created that demonstrate to riders that their needs are being seriously considered while at the same time providing riders with the opportunity to demonstrate to the community that their activity can be sustainable.

KEY FOCUS AREA # 3 MANAGING FOR SUSTAINABILITY

A core objective of the State Trail Bike Strategy is to propose recommendations for change that will address the needs of those involved in this issue in a manner that is *socially, financially and ecologically sustainable*.

Solutions that only address the concerns of the riders would be neither ecologically nor socially sustainable and would therefore fail in the long run. Solutions that only addressed the needs of the community or the environment would be doomed to failure if they don't address the needs of trail bike riders.

Specifically it is important to develop sustainable practices in the areas of:

- Governance
- Land management
- Noise
- Evaluation and Strategic Planning

OBJECTIVES

1. To develop a governance model that ensures a whole-of-government approach.
2. To ensure formal, transparent and disciplined ongoing management practices at all operational levels .
3. To define limits of acceptable impact and manage use within those limits.
4. To develop trails that riders will want to stay on.
5. To reduce noise impacts in rural and residential settings.

SUMMARY OF RECOMMENDATIONS

GOVERNANCE

3.01 Establish a Ministerial Taskforce, a new Off-Road Vehicle Advisory Committee, Program Manager and a broad Reference Group to provide governance and mandate across government.

3.02 Ensure that impacted agencies are adequately resourced to undertake the required tasks.

3.03 Develop a Terms of Reference and Management Guidelines for Local Management Committees to manage individual ORV areas.

3.04 Guidelines for the use and management of tracks to be developed by DEC in conjunction with riders and associations such as RTRA and Motorcycling WA.

LAND AND TRAIL MANAGEMENT

3.05 Identify and designate certain trails as trail bikes only to reduce user conflict.

3.06 Develop a standardized Trail Development Planning Kit and a course on designing and maintaining off-road vehicle areas and trail systems for Land Managers.

3.07 Adopt the International Trail Marking System and the Department of Environment and Conservation's Signage Guidelines.

3.08 Develop a trail booking system for particular tracks and trails with the functionality to capture maintenance issues from riders on the trails.

3.09 Develop unloading areas and create facilities that will attract users into approved areas.

3.10 Work with trail bike clubs and associations and other groups to create volunteer programs to maintain trails and improve access.

3.11 Establish visual trail monitoring and traffic counting with a series of collection points for trail monitoring purposes.

NOISE

3.12 Consider noise reduction solutions such as buffers and placement when designing ORV areas and trail systems.

3.13 "Less sound, more ground" campaign to educate, inform, raise awareness and change rider behaviour relating to noise emissions.

3.14 Noise testing at ORV Areas and rangers equipped with noise meters and trained in their use.

3.15 The maximum noise levels permitted under the CV(OA)A regulations reduced and aligned

with those of competitive motorcycles as regulated by Motorcycling Australia.

3.16 Aftermarket exhausts to be rated. Those that do not comply to an acceptable limit should not be allowed to be sold in WA.

3.17 Fines to be issued for all offences after initial written warnings.

EVALUATION & STRATEGIC PLANNING

3.18 Establish limits of acceptable impact on a per-area basis.

3.19 A formal evaluation program to be developed to assess results and impacts of the various initiatives.

GOVERNANCE

As has been previously discussed there has been a reluctance for any one Government agency to take the lead on this issue. In addition there is a plethora of State Government agencies, local government authorities and community groups involved in regulating and/or managing trail bike riding.

While it would be convenient to hand the entire issue to a single agency to administer, the reality is that this approach is not likely to be feasible without significant duplication of the role of other agencies. This would be inefficient and confusing.

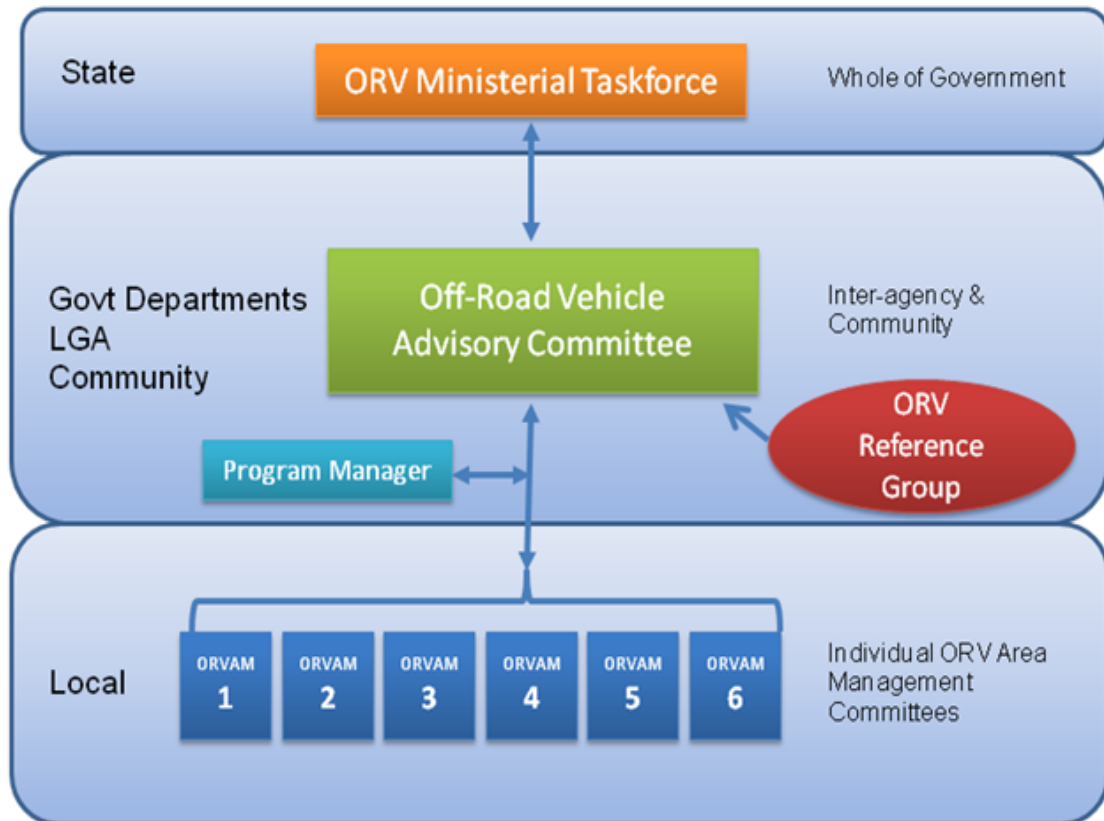
Accordingly the recommendation is to foster cooperation between agencies and to tie together a cross-agency system under the umbrella of a Ministerial Taskforce or other similarly high level enabling body.

Even with a Ministerial mandate such coordination is not going to happen naturally without a formal governance structure. Governance is required at three levels:

1. WA State Government – Ministerial level – to provide governance and mandate across government.
2. Key Stakeholders – state government, local government, community and off-road vehicle bodies.
3. Local – on the ground.

The following diagram depicts the suggested governance structure:

Governance Model



OFF-ROAD VEHICLE MINISTERIAL TASKFORCE

The establishment of an Off-Road Vehicle Ministerial Taskforce would send an important signal of commitment to the relevant State Government agencies . It would provide the mandate for those agencies to provide the resources and personnel to effectively support the strategy.

At this level it is recommended that the scope be all Off-Road Vehicles.

While the ultimate body may differ from the proposals here, for the purposes of this document this body will continue to be referred to as the Off-Road Vehicle Ministerial Taskforce. The Taskforce will take its advice from the Off-Road Vehicle Advisory Committee.

OFF-ROAD VEHICLE ADVISORY COMMITTEE

There are many State Government agencies, local government authorities and community groups involved in regulating and/or managing trail bike riding. Because they do not have the resources or the legislative mandate, no one agency can successfully resolve the issues in isolation. Effective solutions to these issues require good community and inter-agency collaboration. As we have seen from the range of recommendations outlined in this report, a multi-disciplinary approach is required with effective cooperation from all involved.

It is recommended that the “Off-Road Vehicle Advisory Committee” comprises representatives from public agencies, environmental and ORV bodies and local government.

The Committee should be kept small enough to be workable but should draw upon the full resources of its Reference Group (see below). Suggested membership of the Off-Road Vehicle Advisory Committee is as follows:

- Department of Environment & Conservation
- Department of Sport & Recreation
- WALGA / DLGRD
- Recreational Trailbike Riders Association
- Motorcycling WA
- 4 Wheel Drive Association

The role of the Advisory Committee is to oversee implementation of the strategy, increase inter-agency and key stakeholder cooperation and drive the various initiatives. It will help identify resources required to develop solutions to issues and implement those solutions. This body becomes the mechanism for developing the full range of solutions needed to successfully develop trail bike riding as a sustainable recreational activity.

The Advisory Committee would provide advice to the Off-Road Vehicle Ministerial Taskforce on the priority setting of initiatives and the status of each initiative.

A **Program Manager** will be needed to further develop, implement and evaluate the program initiatives reporting to the Advisory Committee –this will either be out-sourced or provided by a relevant government agency.

It should be noted that an Off Road Vehicle Advisory Committee already exists, however the current scope of this committee is too narrow – pertaining specifically to the Control of Vehicles (Off-road Areas) Act. Also the Committee reports to and advises only the Minister for Local Government, and is facilitated by the Department of Local Government and Regional Development, and whilst both are key stakeholders in the issue their interest in trail bikes and off-road vehicle recreation is less direct than other agencies.

It is therefore recommended that one of the following actions is taken in relation to the current Advisory Committee dependent upon whichever is legislatively simpler:

1. The current ORVAC is disbanded and the current CV(OA)A governance model is replaced with the governance model described here, the new ORVAC with wider scope is introduced – and reports to the Ministerial Taskforce as described here,
or
2. The current role of ORVAC is retained but its membership updated, scope increased and advice also provided to the broader Ministerial Taskforce.

At this level it is recommended that the scope be all Off-Road Vehicles.

Off-Road Vehicle Trust Fund

The Advisory Committee would be responsible for securing and managing funds of the Off-Road Vehicle Trust and recommending grant submissions for approval by the Ministerial Taskforce. (see: Key Focus Area 6: Funding Model).

Reference Group

The Off-Road Vehicle Advisory Committee would have a broad Reference Group with representatives from state and local government, environmental and ORV organisations, law enforcement, ORV manufacturers and other trail users.

This group would formally meet periodically (say, every 6 months) to review and comment on the progress of the various initiatives, to provide feedback to the Advisory Committee, to reauthorise the strategies and to provide a conduit between their organisations and the Advisory Committee. Members of the Reference Group would also be used for involvement in specific initiatives as required.

Suggested membership of the Off-Road Vehicle Reference Group is as follows:

- DEC
- DPI
- DSR
- WA Planning Commission
- WA Police
- Main Roads
- Dept of Health
- Water Corp
- DLGRD
- Office of Road Safety
- Specific relevant LGAs
- 4 Wheel Drive Association
- Motorcycling WA
- Motorcycle Industry Assoc
- Recreational Trailbike Riders Association
- WALGA
- Conservation Commission of WA
- Leave no Trace
- Peak trail body? Outdoors WA
- Department of Water

LOCAL MANAGEMENT COMMITTEE

An active local management program is critical to the ongoing effectiveness of an off-road trail system. As with any recreational facility ORV areas must be managed and maintained. The evidence from the current off-road vehicle areas shows that it is simply not feasible to provide a facility and let use occur without any form of maintenance, management or supervision.

There are 4 management models for ORV facilities:

1. **State Facility** – this is run on state owned land or land that the state leases from a private owner. The facility is either operated by the state or leased to a commercial operator.

2. **Council Managed**– this is run on council owned land or land vested in it. The facility is either operated by the council or leased to a commercial operator.
3. **Community Managed** – facilities owned by the state or council or owned privately may be managed by community groups on a not-for-profit basis. The community group assumes responsibility for the site, its management and maintenance.
4. **Commercial Management Model** – facilities are owned or leased by a commercial operator on a for-profit basis. Neither the state nor local council are involved.

It is highly likely that a mixture of all models will form the overall solution.

Each Off-Road Vehicle area or designated route system requires a Local Management Committee to provide focus on area and trail development, maintenance, user education and information programs and enforcement. Members of the Management Committee should come from the organisation that runs the ORV area, the riding community that uses the area and the local community where the area is based.

ROLES AND RESPONSIBILITIES

Each stakeholder needs to take some responsibility in getting recreational trail bike riding into a sustainable position.

The Role Of The Public Sector

Government agencies must acknowledge recreational trail bike riding as a legitimate recreational activity and make a proactive provision for the activity within their strategies and objectives. The summary of recommendations at the end of this report provides the pertinent recommendations for each agency. Some examples are:

- DEC to include trail bike riding as a legitimate land use in the range of activities they manage on public lands. ORV use to be aligned with DEC objectives. Enter into “Memorandum of Understanding” with recreational trail bike riders.
- WA Planning Commission to consider recreational trail bike riding as an appropriate use for certain land acquired for recreation purposes.
- Lottery West to remove the constraint of trails funding being only for “non-motorised” trails.
- DSR to include motorised trails and trail bike riding in its Tracks and Trails program.

It is unlikely that impacted state government agencies will be able to absorb the resourcing implications of the recommendations in this report within current resourcing levels. Any commitment by the State Government to this Strategy and its objectives must be accompanied by sufficient levels of resources (both people and funding).

The Role Of Local Government

Local Government Authorities need to view trail bike riding as a recreation enjoyed by their rate payers and catered for in the same fashion as more traditional sports and recreational activities..

Not all Local Governments are in a position to support the activity directly (by making facilities available) so, recognising that riders will be attracted from surrounding areas, those LGAs that can't provide facilities should provide financial and resource support to those that can.

The issue of liability, insurance and understanding what risk management strategies are required needs to be addressed from a factual perspective. Currently this issue is being used as a convenient excuse for inaction.

The Role Of The Riders And Riding Community

Trail bike riders need to become more aware of the impact their bikes can have on the environment, for local residents and other trail users and need to be prepared to modify their habits.

The formation of formal and informal riding groups, the establishment of the Recreational Trailbike Riders' Association and the focus of Motorcycling Western Australia to encompass recreational riders is seen as a positive move as riders realise that the future of their recreation depends on a responsible attitude to the use of lands and co-operating with land managers. Membership within these groups ensures that users and land managers can communicate more effectively with riders.

The riding community needs to take responsibility for the behaviour of members of the community and work to reduce noise issues, nuisance behaviour and dangerous and illegal riding practices. Minimal impact riding behaviours should be promoted by riders and the riding community. Entering into a "Memorandum of Understanding" with DEC would send a strong message that riders can benefit from aligning with the interests of land managers.

The Role Of The General Community and Other Trail Users

Local residents and other trails users need to better understand what is and isn't legal trail bike riding and work with the riding community to assist in developing Rider Codes of Conduct that meet the community's needs.

Residents and other trails users can assist in reducing the issues by actively supporting strategies that will provide designated riding areas and trails to move riders into sanctioned areas and away from residential hot spots.

The Role Of The Private Sector and Motorcycle Industry

The private sector can assist via the development of commercial bike parks. The trail bike industry can assist via funding and sponsorship of initiatives as well as acting as a conduit to the riders for education and information campaigns.

USE POLICY

It is recommended that the Off-Road Vehicle Advisory Committee develop a "Policy for the Use of Recreational Vehicles in Western Australia⁵⁶". Guidelines for the use and management of tracks could be developed by DEC in conjunction with trail bike clubs and associations.

⁵⁶ Ref the Tasmanian Policy developed by the Recreational Vehicle Working Party, 2005

LAND AND TRAIL MANAGEMENT

When visitors come to a forest or park to have fun, they will have fun. If they can have fun on the trails and areas you provide, that is what they will do. If not, they will still have fun, but the way they choose to have fun may cause management and environmental problems.

- Management Guidelines for Off-Highway Vehicle Recreation, Tom Crimmins, NOHVCC

To be successful any system or area must be designed with the needs of the trail rider in mind as well as the physical, environmental, social and economic constraints. The objective is to keep trail riders on trail, thereby minimizing impacts to other recreationists and the environment. See the Section *About Trail Bike Riding in WA / Riding Experiences* for full descriptions of the experiences desired by riders.

This section continues the work commenced in *Trails Planning / Trails Planning Process* and details the stages of Trails Design (Plan); Area Development (Implement); Route Publishing (Communicate) and Adapt (Review).

TRAIL DEVELOPMENT

A standardized Trail Development Planning Kit should be developed for Land Managers to ensure that the area designated for one or many trail bike trails will be well considered, designed and sustainable.

Aspects to consider are:

- Trail design – types, difficulty, features
- Landscape character
- sandy, rocky, pea gravel, clay
- hills, gradients, open trails, treed trails, fast flowing, single track
- suitability of soil type to withstand traffic, erosion
- aesthetics - the greater the aesthetics of the landscape the greater the appreciation is and enjoyment for the trail bike riding
- Access to site including parking, trailer facilities and emergency access
- Views of nearby land owners and land managers
- Trail signage
- Other trail users – nearby or on the same shared trail.
- Existing trail networks in the area
- Risk assessment – water catchment, forest diseases, protection of flora and fauna.
- Management of the trail
- Any trail development required

This section describes the trail design needed to provide satisfying trail riding experiences.

Quantity and Distances

Firstly any system or area needs a sufficient quantity of routes for the time riders spend in the area. The Rider Survey shows that 49% of riders go out for the whole day, 47% for half a day, 17% for the whole weekend and 16% for only an hour or two.

Based on this most riders want sufficient trail distance and quantities for 4-8 hours of riding or a whole weekend. As a general rule bikes will cover 40 to 160 kilometres per day depending on rider experience and trail condition.

Loop Trails

Loop trails provide riding variety and are effective when interconnected providing a variety of riding opportunities even for long periods of riding time. Multiple interconnected loops entice, rather than force, riders to stay on track. There are different types of loop layouts that are too detailed to discuss in this strategy report (see recommendations for Trail Design workshop below).

Dual-Use versus Separation

Under the current licensing and registration regime, trail bikes can only ride on roads (if registered) or in the three designated off-road vehicle areas. There are no designated trails for trail bikes only. The only specific-use trails are for walkers, mountain bikers and horse riders.

Based on the trail options provided in the “Vision” section of this report, it is desirable to have a trail system designated for trail bikes only as this reduces the opportunity for physical or social incidents with other trail users. This system would also allow for a new licensing and registration system to allow non-road registered bikes and riders to ride the trails based on a permit system.

However connections between trails may require the use of existing roads that are open to other motor vehicles. In addition there are occasions where trail bike riders and other trail users may need to share part of a trail or a trail feature such as a bridge. In these cases that section of road or trail would be incorporated into the trail system as combined, shared or dual use with indicative signing. It would also be necessary for those segments of dual-use roads to be incorporated into a trail system to allow “permit” riders that are not necessarily road-registered.

One-Way Trails

Opinion is divided amongst trail bike experts and trails designers on the value of one-way trails. Opponents of one-way trails point to riders travelling at higher speeds due to a perceived risk reduction, the higher reliance on trail signage (and attendant monitoring / maintenance issues that this creates) and the chance that riders may still come the other way (for example if they have a mechanical problem or injury and decide to head back the way they came) with the added danger that this poses because other riders would not be anticipating to meet a rider coming the opposite way on a one-way trail. Opponents of one-way trails also point out that because a trail reads differently depending on which way it is ridden you effectively only need half the number of trails for rider interest if they are all two-way.

Presenting the counter-argument, advocates for one way trails point to risk of serious head-on collision on two-way trails, particularly in forests where corners are obscured by vegetation and blind crests are prevalent. There is also a view that while riders may tend to start off cautious on a

two-way trail they progressively lose that caution the longer they ride without encountering an on-coming rider. This is obviously likely to be an issue in more remote areas with less trail traffic.

Both arguments present compelling logic. Unfortunately there does not appear to be any empirical evidence to support either view so the decision would need to be made on a route by route basis. For example in designated ORV Areas where significant trail traffic can be expected it is hard to imagine a circumstance that would not point to one-way trails as being the safer option.

Single Track

“Single trail” sections where the track is literally only the width of a motorcycle tyre tread and winds its way through the bush are valued as these test the skill of the rider and can be especially satisfying to ride. Because of the tight nature of single trail, these sections tend to be relatively short – typically less than a kilometre. A quality ride will have segments of single trail interspersed among the more open tracks.

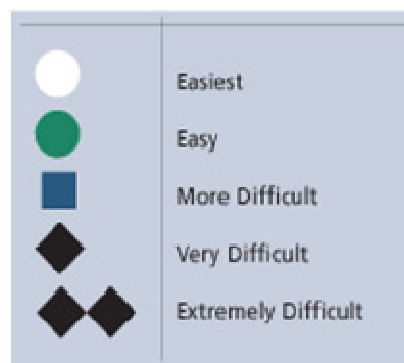
Failure to provide single track for trail bike riders leads the riders to use walk or mountain bike trails to satisfy their single track demands.

Well designed single track trails also tend to pose lower levels of environmental impact [for mountain bikes], as they can be placed more sensitively than larger trails and they generate far less rainfall runoff. (p 20 Mountain Bike Management Guidelines – WA Department of Environment and Conservation)

TRAIL GRADINGS

Trail bike riders seek a range of riding experiences and activities and this includes difficulty levels and range of challenges.

The International Trail Marking System used around the world in ski resorts, and adapted by IMBA for mountain biking, allows trails to be graded according to their relative technical difficulty.



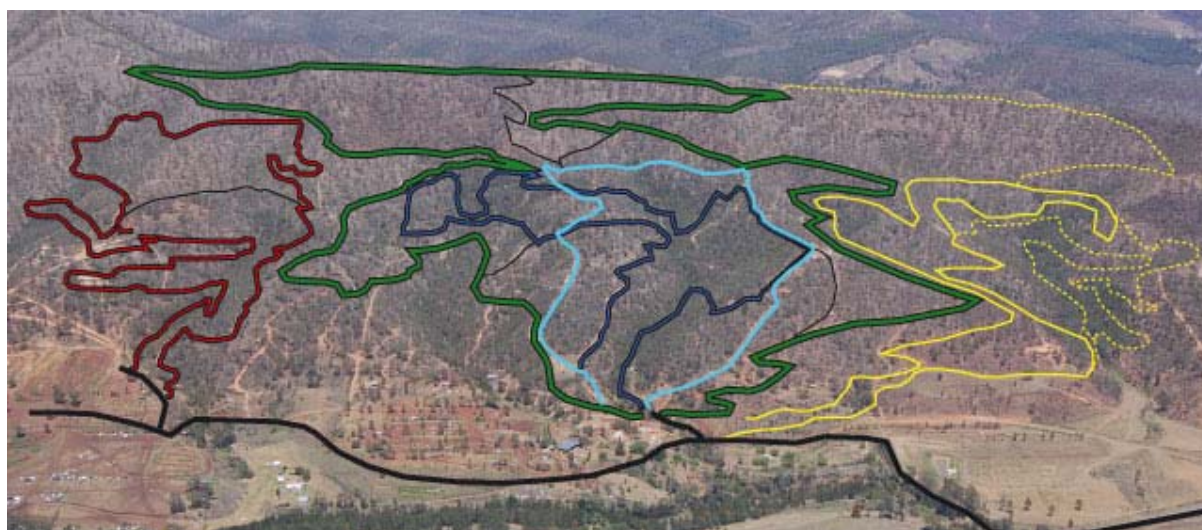
It is recommended that the same system be adopted in WA for trail bike trails as such a system can:

- Help trail bike riders make informed decisions
- Encourage riders to use trails that match their skill level
- Manage risk and minimize injuries
- Aid in the planning of trails and trail systems

Each trail network needs to include trails rated as Easier for opportunities for families, juniors and novice riders and these should be located closest to the unloading area or access point. The Very and Extremely Difficult trails would be located furthest away and are generally shorter but more intense. Note that not all areas need to cater for all riders. Some may be focused on a particular experience / skill level. In such cases the target market for the area needs to be clearly communicated.

Factors that affect trail difficulty are slope grade, obstacles, surface conditions, trail width and alignment. A trail loop should have a fairly consistent difficulty rating with “easy out” and “challenge” sections looping off the main loop. This avoids forcing riders onto a trail that may be too difficult for their skill level.

Snow skiing resorts are excellent examples of this system and IMBA have created a very comprehensive set of guidelines for applying trail gradings.



Example of a Trail Map – Black Duck Qld

TRAIL SIGNAGE

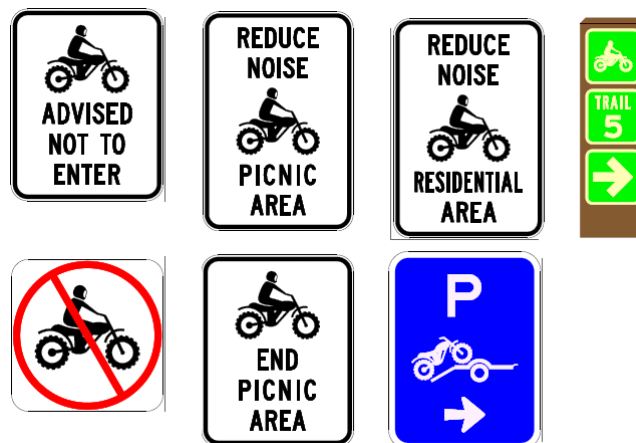
It is proposed to adopt the Department of Environment and Conservation’s existing Signage Guidelines as well as those structured for Mountain Bike trails⁵⁷. Various trail marking methods have been trialled over the years on walk, bridle and cycle trails. The Munda Biddi trail has developed a trail sign system which is clear, displays only the necessary information and has an identifiable style specific to the trail. Research amongst trail riders indicate some overlap between trail bike and mountain bike riders so using the same signage system will help understanding.

⁵⁷ Mountain Bike Management Guidelines – WA Department of Environment and Conservation

All signs are to be placed in a location that is suited to their function, that poses no threat of injury to riders and is clearly visible and legible. The trail's signage is to be developed in concept at the trail planning stage and the signage installed on the trail as soon as practicable during/ after completion to ensure the trail is legible and correctly used from the outset.

The basic sign types include;

1. **Trailhead and site orientation signs** : located at the trailhead in a DEC style shelter displaying the entire loop system, a brief description of the trails and what riders should expect on the trail, rules of the trails and specific information such as emergency contact details, local mountain bike clubs, trail stewards and contact numbers to report trail damages and risks.
2. **Visitor risk and local management signs**: displayed near areas to be avoided or warning of potential visitor risks in the vicinity. Examples include cliffs, steep slopes and disease risk areas.
3. **Trail signs**: directional signs with trail difficulty symbols attached to totems located at the start of trails and at trail intersections to direct riders and keep them on the correct trails. A well defined, easy to follow trail will limit the number of signs required and add to the total riding experience.
4. **Warning signs**: placed on the trail as part of the trail signs (or independently) and used to caution trail users of upcoming hazards, TTF's or sections of trail that may be uncharacteristic of the trail difficulty rating.
5. **Interpretive signs**: located near points of interest or control points describing conservation, cultural heritage or landscape values pertinent to the location.



VIC DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT

DESIGNING TO REDUCE ISSUES

Trail Separation

Segregation of trail user groups can tend to mitigate all conflicts. However where shared use is unavoidable, conflicts may be minimised or avoided through good trail planning and design, signage and trail user etiquette.

Critical strategies to reduce conflict will require the creation of separate trail networks for trail bikes.

Trail Capacity Control

Trail bike riding is a dispersed recreational activity, the more spread out the riders, the better – from safety, land impact, noise and riding experience perspectives. Larger trail systems offer management flexibility (the ability to close areas for rehabilitation without impacting the whole ride area) and enhanced rider enjoyment.

Miles = smiles = happy riders = compliant riders = happy land managers.

Management Guidelines for Off-Highway Vehicle Recreation, Tom Crimmins, NOHVCC

Development of an online booking system for particular tracks and trails will advise land managers of the number of riders intending to use a trail system at any particular time. The site will have up-to-date information on current track conditions and any temporary closures in the area as well as a facility for riders to report hazards they have come across in their ride to alert land managers. See Section *Changing Behaviours / Education*.

Speed Control

There are several design techniques that can be used to reduce speed on trails where riders travelling too fast create safety and environmental problems.

Speed can be reduced by keeping trails narrow, shortening sight distances with twists and turns or by using the existing landscape and terrain. Some trail planners advocate the use of two-way trails, believing that riders will ride more slowly and carefully if they expect other riders coming from the opposite direction, however as mentioned above there is a compelling counter-argument to this and so it is recommended that the other trail design techniques be used for speed control.

Off-Trail

Since most user-created trails are not designed or constructed, they are more likely to create environmental impacts, cause conflicts with other trail users and ultimately provide poor riding outcomes. Apart from specific areas where cross-country riding has minimal impacts – trail riding must be limited to existing trails.

Generally riders use existing trails if they satisfy their needs. If riders are going off the trails and cutting their own we need to understand why. Is it because the existing trail has not been maintained and is “whooped out” or a “bog hole”? Is the trail not providing the desired experience? Or is it because people are trying to reach a particular location like a scenic lookout or a challenge

hill. Riders want challenges. If trails are over graded with natural obstacles removed then riders will go off trail in search of challenges.

Water

The objective is to reduce sediment delivery and turbidity. Creating trails with rolling dips, undulations, trail grade breaks, locating trails to reduce the number of creek crossings and hardening creek crossings will assist.

Control and management of the water on the trail is critical to avoid environmental and trail damage. Undulating trails with multiple places for water to run off or long rolling dips is better than trails with a consistent grade. Incorporating water control features into the trail will reduce maintenance requirements as well.

Opportunities for Juniors

Whilst junior riders should be able to ride with the rest of the family on easy trails, they may need to be accommodated with a specific site to occupy them when family members are on the harder trails. Without somewhere to ride, juniors end up riding through unloading areas which is unsafe and annoying for others. A tight (to reduce speed), one way trail can be located near the unloading area for easy supervision. Picnic tables will attract the adults to sit and monitor activities. Such a site should be limited to certain sized bikes, ages and speed limits.

Adaptation and Construction

It should be noted that good trail design doesn't necessarily mean creating a Bibbulman or Munda Bididi type facility. Trail bike trails can be satisfactorily formed using the existing lay of the land, without the use of machines to clear a path, only allowing for construction of environmental controls (culverts, erosion banks, bridges). In many cases they may only require small modifications to existing routes.

A COURSE IN TRAILS DESIGN AND MANAGEMENT

A course for land managers on designing and maintaining off-road vehicle areas and trail systems that meet the needs of trail riders should be developed. Encouraging riders to participate in such training would be beneficial in stimulating volunteer interest in building and maintaining trails.

TRANSPORT

How riders get their bikes to ORV areas is a concern, especially in urban areas. 73% of respondents to the rider survey use their own trailer to get to the riding area, 26% ride there. The 14% of other responses were mostly taking their bikes on the back of their utes, vans or hiring of trailers. (This adds to more than 100% as respondents indicated more than one answer). The survey reported that 24% of unregistered bike owners, 18% of motocross bike owners and 15% of quad owners indicated that they on occasion rode to the riding area.

There is an issue particularly for metropolitan hot spots and off-road vehicle areas with under-age riders riding their bikes from home to the riding area. Not only is this illegal and unsafe but it is also an annoyance to local residents.

A transport facility to pick up local riders and their bikes and transport them to the ORV area has been considered and was proposed in Queensland⁵⁸. A trailer capable of towing around 10 bikes and a mini-bus could be provided by local community funding and be operated on a user pays basis.

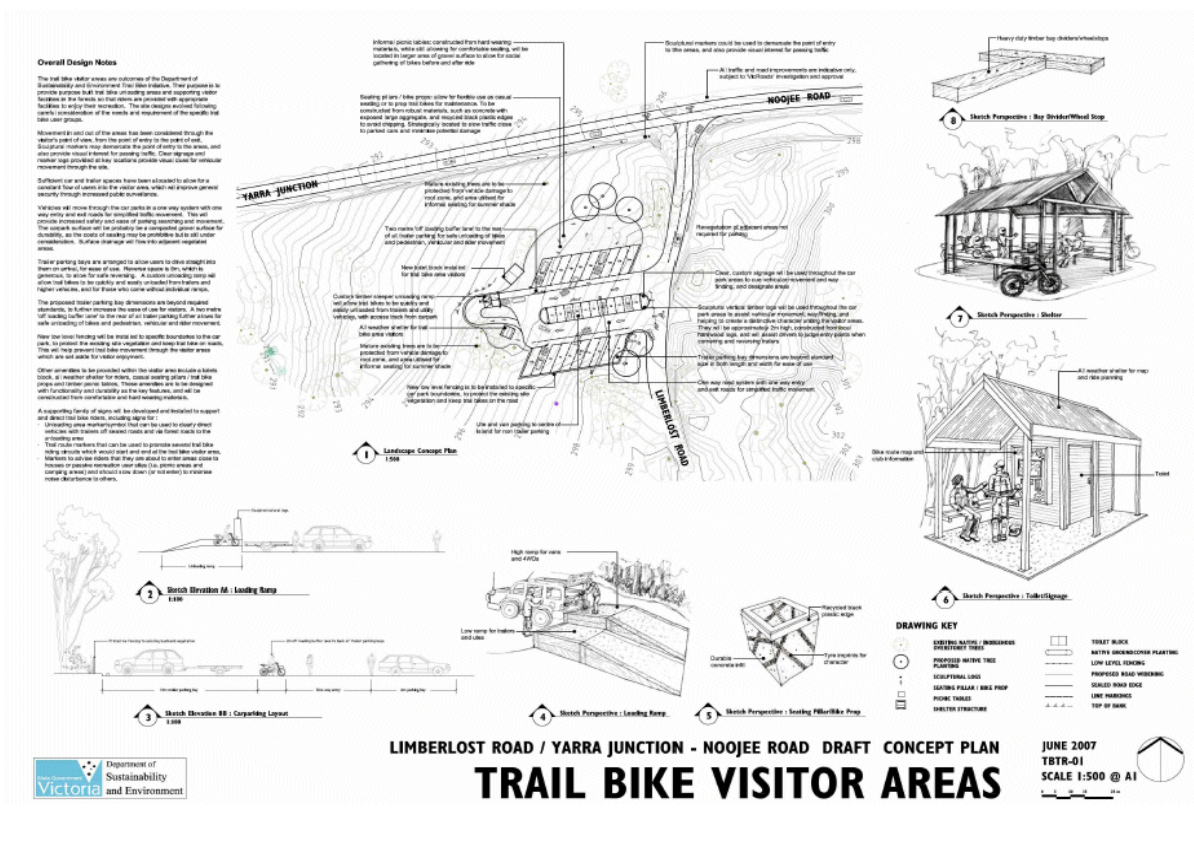
There are practical difficulties with this suggestion, however the significant potential benefits to be gained in reducing illegal street riding warrant the further investigation of the concept.

An alternative would be to operate a secure garaging facility at ORV areas so that under-aged riders and riders of unlicensed bikes could leave their bikes at the facility. Here, too, there are practical difficulties especially at public venues. This concept might work effectively at a commercial bike park or in areas where there is a resident caretaker.

FACILITIES

Unloading areas and trailheads developed for trail bike use should generally include the same facilities as trailheads for other trail uses. The level of facilities will depend upon anticipated use patterns, management needs, funding and resources.

The State of Victoria has prioritised the development of unloading areas and creating facilities that will provide a positive reason for riders to relocate their activity from an inappropriate area to an appropriate one.



⁵⁸ Regional Trail Bike Facilities Needs Plan, CPR Group, 2005

Parking facilities should be provided that support the range of anticipated vehicles and trailers – which can vary from family sedans to 4-wheel drives to large camper vans and one bike trailers to large trailers for multiple bikes. The desired parking pattern should be made intuitive and obvious. Overflow parking for weekends needs to be considered.

Providing toilets will depend on the riding capacity of the area but is becoming more important for users with more families and women riding. It is also a significant environmental consideration.

“You have a carpark, you have a toilet – no option otherwise you will end up with all sorts of unpleasant surprises in the bush around the car park.”

- Comment from Senior DEC Officer

TRAIL MAINTENANCE

Trails require maintenance in order to maintain the riding experience, preserve the investment, mitigate risks and reduce environmental impacts. The trail grading needs to be preserved by not over or under maintaining a trail.

The web site discussed above in Trail Capacity Control and later in the *Changing Behaviours* section can provide the functionality to capture maintenance issues from riders on the trails.

Maintenance resources can be enhanced through the use of volunteers from the trail riding community. Working bees and “adopt-a-trail” programs organised by trail bike clubs and associations including RTRA, DSMRA, T&E, MCC and others to maintain and improve access, also provide a sense of ownership by the riders over the trails they use.

The ‘Eyes on the Ground’ Maintenance ProgramVolunteers adopt a section of the Bibbulmun Track and are trained by the Foundation and DEC to look after it. Specific sections of the Track are assigned to individuals or teams who visit their section regularly to report on maintenance requirements. Maintenance Volunteers also carry out basic maintenance tasks ...The services of the Maintenance Volunteers are vital to the future of the Bibbulmun Track and rewards are offered ... as a gesture of thanks for their generous work. www.bibbulmuntrack.org.au

When volunteers are involved in projects they get a better understanding of the management issues and why things are done certain ways. They can then spread this understanding throughout the riding community. Giving riders responsibility to help look after the trails they use is very effective in encouraging minimal impact riding behaviours. See the Section *Changing Behaviours / Self Regulation* for further detail.

TRAIL MONITORING

Part of the difficulty in dealing with the issue of environmental and social impact of trail bikes is the lack of hard data.

The absence of any formal measurement of the effects makes it difficult to monitor trends, set priorities, predict outcomes and evaluate strategies.

- Limits of acceptable change need to be defined on a per-area basis.
- Visual trail monitoring via time series photography can help build a greater understanding of impacts and remedies.
- Traffic counting can be used to increase understanding of riding patterns and can be used in conjunction with visual trail monitoring to evaluate strategies and predict future outcomes.

A series of collection points should be established to provide a cross-section of different terrain, riding styles, rider volumes and ground conditions. Photos are taken from a standardized reference point once every quarter and a traffic monitoring device (typically an active infra-red counter) can be installed and monitored periodically. A formal methodology for this should be developed, perhaps in partnership with a University.

NOISE

As documented in the Community Concerns section of this report, noise is one of the biggest problems associated with trail bike use.

Noise traditionally ranks highly in community complaints generally; the sound of dogs barking, loud music, parties late at night, aircraft, traffic ... and increasingly, trail bikes.

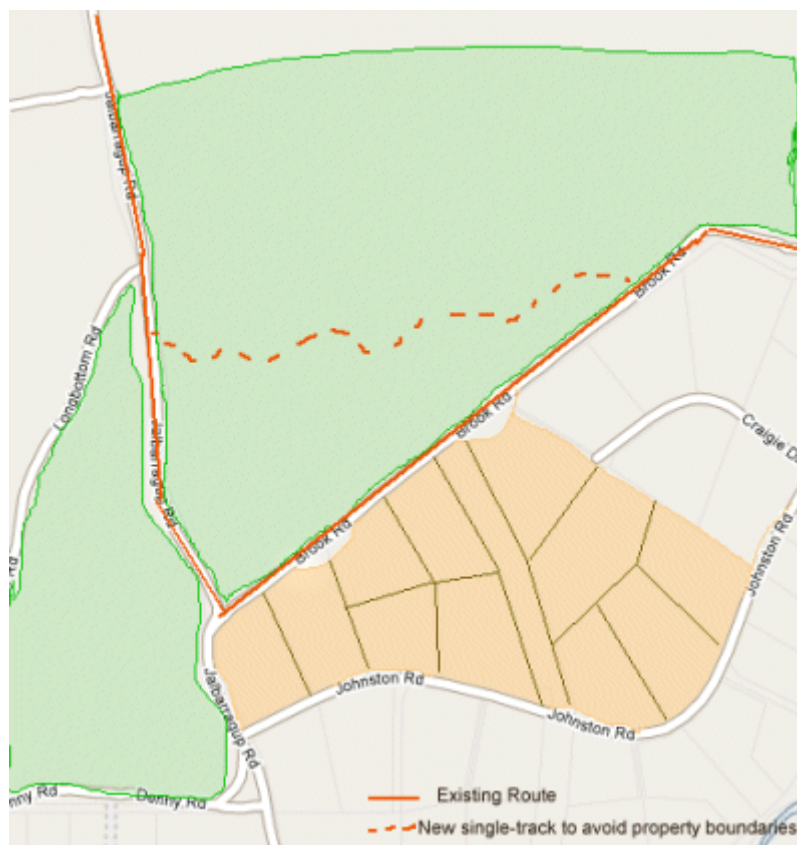
Clearly for trail bike riding to be sustainable in rural and residential settings there needs to be some changes made to resolve the issue of noise.

There are a range of solutions to combat the noise problem.

TRAIL DESIGN

Locate trails where sound transmissions are reduced eg down a slope rather than at a top of an open ridge. Locate away from sensitive housing or other recreational areas. In urban areas small ORV areas within industrial zoning may be appropriate given that the majority of ORV use occurs on weekends when these areas tend to be sparsely inhabited.

Sometimes the need to re-route a particular trail away from properties or other bush users creates an opportunity and justification to develop single-track.



BARRIERS

Vegetation does not provide an effective noise buffer, but earth mounds or other solid barriers can be effective. Major roads such as freeways can also act as an effective noise barrier by increasing the background noise level to mask the sound of motorcycles.

EDUCATION

The majority of excessive noise comes from the choices made by riders. They choose to fit loud exhaust systems or modify their existing systems by removing baffles. They choose to use full throttle when riding past residential areas (including fence lines near farmhouses) instead of cruising past quietly.

This suggests that rider education is absolutely critical as a strategy to combat excessive noise. “Less sound, more ground” has been used for many years to highlight the correlation between community concern about noise and the impact that this ultimately has on the amount of land available for riding. Like drink driving and smoking indoors it can take many years of intensive effort to fully entrench an attitude of social unacceptability, but the importance of achieving this attitudinal shift cannot be overstated.

It is recommended that the following is addressed with regards to education about noise emissions:

- More information about the impacts of noise is needed to help riders make informed choices.
- The motorcycling media should be encouraged to take a leadership role in shifting attitudes.
- Clubs and associations should encourage riders to demonstrate leadership and to contribute positively to online discussion forums.
- Riders need to be aware that mufflers require re-packing periodically to maintain their effectiveness as designed by the manufacturer.
- They also need to know what the noise limits are for various applications and a way of knowing whether or not their machine complies.
- Free noise testing should be provided periodically at ORV Areas and Rangers should be equipped with noise meters and trained in their use. In the first instance “noise blitzes” would be used to inform riders of the noise level of their bike and provide warnings.

NOISE REGULATION & ENFORCEMENT

The maximum noise levels permitted under the CV(OA)A regulations should be reduced and brought into line with – at the least – those of competitive motorcycles as regulated by Motorcycling Australia.

Given the importance of controlling noise this amended regulation should apply to all motorcycles, not just those sold after the date of introduction.

Rangers who are engaged in enforcement actions should be equipped with a stationary noise meter and instructed in its use.

Aftermarket exhausts should be required to be rated – like dishwashers are for water efficiency. Those that do not comply to an acceptable limit should not be allowed to be sold.

Fines notices should be issued for all offences after initial written warnings – which can be better recorded once all bikes are registered (see scale of offences in '*Underpinning Legislation*' section).

Aftermarket exhausts not complying with maximum noise levels or exhausts that can be made louder by removal of baffles should be withdrawn from sale. Further investigation is indicated on this point to explore options for coordination of a national standard.

EVALUATION & STRATEGIC PLANNING

A critical, but often overlooked, process is to evaluate the effectiveness of the various programs. This needs to be done from two perspectives:

1. The effects of recreational trail bike riding on the facilities, trails and environment. What changes are occurring on the trails? What are the limits of acceptable change? Are identified problems increasing or remaining stable? Have maintenance and repairs been successful? Are environmental concerns being addressed?
2. The degree to which the facilities are meeting the needs of trail bike riders.

Evaluation can occur by direct means, such as surveys or monitoring (see *Trail Monitoring*, above) or by indirect means such as measuring the number of resident complaints received, the number of infringements issued or the number of accidents reported.

Each proposed strategy should have an accompanying plan for evaluation. The elements are:

1. Quantification of current situation (baseline) – the problem
2. Target outcome from strategy – the objectives
3. The Strategy – including resource allocation
3. Evaluation mechanism – how are we going to assess the extent to which the objectives have been met
4. Timeframe – over what period do we expect to achieve the objectives
5. The Results – how do they compare to the Target Outcome
6. The Learnings – how can we improve the strategy? Do we need a new strategy?

Initially the Target Outcome and Timeframe will be little more than a guess. But the value of effective monitoring and evaluation is that over time a body of knowledge will develop that will assist in the prediction of outcomes for future strategies.

This in turn will inform the setting of priorities and budget allocations so that greater results can be achieved within equivalent budgets.

It's not a complex process, but it does require the discipline to apply evaluation programs to each strategy that is implemented, and it does require the sharing of knowledge about outcomes in order to assemble a body of knowledge in the shortest possible timeframe.

This level of detail is a sure sign of the adequacy – or otherwise – of resourcing. Too many programs fail because this critical review element is cut out to balance a tightened budget.

It is strongly recommended that budgeting for evaluation must be included in every project – and held sacrosanct.

In addition ongoing Strategic Planning is required with further data needed regarding:

- Understanding where the population increases are occurring and ensuring land availability to meet those needs
- The dynamic nature of ORV land openings and closures as residential patterns change
- Visitation patterns and land-use availability
- Better health and safety data
- Demographics and recreational usage for trail bike riding
- Integration of the State Trail Bike Strategy into local, state and federal land use planning processes. To facilitate this it is recommended that Trail Bikes are formally included in the LotteryWest Tracks and Trails program which will then assist in their inclusion in trails planning throughout the state.

KEY FOCUS AREA # 4 CHANGING BEHAVIOURS

The success or failure of these recommendations will come down to the degree to which they are implemented and *adopted*. This is especially true in the area of trail bike rider behaviour and the ability and willingness of the riders to behave within the regulatory and non-regulatory framework set out.

“The cornerstone of sustainability is delivering programs that are effective in changing people’s behaviour. If the behaviour is inconvenient, unpleasant, costly or time-consuming, no matter how well you address internal barriers your strategy will be unsuccessful.”

McKenzie-Mohr, Doug & Smith, William (1999) Fostering Sustainable Behaviour

Clearly there is currently a segment of the trail bike riding community that is not behaving responsibly and/or legally. There are also significant barriers in adopting the desired behaviours.

Non-compliance comes in part from ignorance over where motorbikes can legally ride and a lack of compliant options for riders. A key challenge is to provide clarity, both to riders and members of the general community, in the application of relevant laws.

Other challenges are the difficulties in effectively communicating with the trail bike riding community. As with many recreational user groups, and as the data earlier in this report supports, club membership represents only a small percentage of recreational riders, with most riding in informal groups or families. The highly mobile nature of trail riding creates challenges to effectively communicating key messages through signage or positional communication.

Self regulation is required from the trail riding community itself. The Recreational Trailbike Riding Association has recently been incorporated to create a trail riding community and address many of these issues. Encouraging responsible riding behaviours to minimise impacts through voluntary codes of practice, self regulation and education is a challenge for the trail riding community.

Enforcement is a major challenge with the ability to conduct effective enforcement currently hindered by the limitations of current legislation (as previously outlined), poor coordination across government agencies and low levels of resourcing to undertake enforcement.

Specific strategies are required to foster and maintain behaviour change. This section of the report considers:

- Community Based Social Marketing
- Education
- Enforcement
- Self-Regulation

OBJECTIVES

1. To increase responsible, legal and minimal-impact trail riding behaviours.
2. To provide clarity and information to affected stakeholders that results in positive behavioural changes .
3. To more effectively provide enforcement of current legislation.

SUMMARY OF RECOMMENDATIONS

EDUCATION

4.01 ORV Registration Kit covering details about each ORV Area, safety, clubs and associations, minimal impact trail riding and the trail bike riding code of conduct.

4.02 Information about the off-road riders' code of conduct and minimal impact trail riding to be incorporated in the motorcycle learner's handbook.

4.03 The 'privilege pass' (Ref: 2.04) requires attendance of an accredited course and examination would assess the rider's knowledge of minimal impact riding.

4.04 Develop a "Back on Track" website as an interface between trail bike riders, land managers and interested community members. Hosts interactive riding area selection, maps, permit system, trail capacity control system and relevant information.

4.05 ORV industry be encouraged and if necessary incentivised to develop a purpose built off-road rider training centre.

4.06 Memorandums Of Understanding be developed between peak bodies of all trail users.

4.07 Encouragement is required for commercial training providers to establish services and programs.

JUNIOR RIDER EDUCATION PROGRAMS

4.08 ORV Registration Kit for Junior Riders including an interactive CD-ROM.

4.09 Junior Riders section of the "Back on Track" website.

4.10 School programs to be conducted by industry associations, clubs, trail ambassadors.

4.11 Junior Riders Licence – learning materials and online test.

NON-RIDING PARENT EDUCATION PROGRAMS

4.12 Information for Parents in the “Back on Track” website

4.13 Information (DVD, brochure) available from industry associations, clubs, bike shops

INDUSTRY EDUCATION PROGRAMS

4.14 Industry leaders involvement in the Off-Road Vehicle Reference Group.

4.15 Accreditation program for dealers who demonstrate an understanding of the legal, social and environmental issues.

4.16 Special attention in both rider education and enforcement should be targeted at the “Chinese import” industry segment focusing on noise and rider behaviour.

COMMUNITY PROGRAMS – BUILDING SUPPORT

4.17 Representatives from environmental groups, land managers, local government and other trail users involvement in the Off-Road Vehicle Reference Group.

4.18 Develop a “Hot Spot Register” reporting facility for the general community.

ENFORCEMENT

4.19 A Law Enforcement Plan is developed with the Local Management Committees developing local versions of the Law Enforcement Plan for their own area.

4.20 Formation of a specialised ORV Compliance Unit to more efficiently conduct rotating enforcement patrols of problem areas with Authorised Officers or ‘Honorary Inspectors’ as provided for under the CV(OA)A.

4.21 Relevant legislation be provided with the ability to delegate enforcement authority consistent with S38 of the Control of Vehicles (Off Road Areas) Act 1978.

4.22 All ORV vehicles be registered which will assist with identification and therefore enforcement.

4.23 Deeming provisions, where parents are required to take legal responsibility for the actions of their children, are required.

4.24 The range of penalties to be increased and include Community Service, increased fines, bike confiscation.

SELF REGULATION & COHESION

4.25 Trial a rider/ user volunteer program in one ORV area.

4.26 Local trail bike riders to be members of Community Management Committees for each ORV area and trail system.

COMMUNITY BASED SOCIAL MARKETING

Community-based social marketing indicates that initiatives to promote behaviour change are most effective when they are carried out at the community level and involve direct contact with people. Media advertising can be effective in creating public awareness and understanding of issues but is limited in its ability to foster behaviour change.

CBSM research proposes that education alone often has little or no effect upon behaviour and that the assumption that individuals systematically evaluate choices, and then act in accordance with their economic self-interest (ie not being fined) is equally flawed. This economic perspective overlooks ". . . the rich mixture of cultural practices, social interactions, and human feelings that influence the behaviour of individuals, social groups, and institutions."⁵⁹

What this means is that *on their own* education and information campaigns or fines and infringements are not going to bring about the desired behavioural changes in any sustainable way.

Community Based Social Marketing has been shown to be very effective at bringing about behaviour change. This approach involves⁶⁰:

1. **Identifying barriers** - If any form of behaviour is to be adopted, barriers to engaging in the activity must first be identified. Once these barriers have been identified, a social marketing strategy is developed to remove them.
2. **Designing a strategy that utilises behaviour change tools** - These tools include such approaches as gaining a commitment from an individual that they will modify their behaviour, prompts to remind them about the desired behaviour and specific communication methods.
3. **Piloting the strategy with a small segment of a community** - Conducting a pilot allows a program to be refined until it is effective. Further, it allows alternative methods for carrying out a project to be tested against one another and it can be a crucial step in demonstrating the worthiness of implementing a program on a broad scale.
4. **Evaluation** - the final step involves ongoing evaluation of a program once it has been implemented in a community. The information gleaned from evaluation can be used to further refine the marketing strategy as well as provide evidence that a project should continue.

The work done for the State Trail Bike Strategy with the literature reviews and surveys has provided much of the information required to identify the barriers to a sustainable behaviour.

⁵⁹ McKenzie-Mohr, Doug & Smith, William (1999) *Fostering Sustainable Behaviour*

⁶⁰ McKenzie-Mohr, Doug & Smith, William (1999) *Fostering Sustainable Behaviour*

It is recommended that a CBSM approach is used in any attempt to change/modify behaviour or attitudes in relation to trail bike riding.

It is specifically recommended that a pilot program be developed, implemented and evaluated as a pre-cursor to any full programs being run.

EDUCATION

A basic premise is that educated riders are responsible riders, and responsible riders keep riding opportunities open and reduce impacts.

Management Guidelines for Off-Highway Vehicle Recreation, Tom Crimmins, NOHVCC

It has been discussed that there are currently barriers for trail riders in adopting the required behaviours. Some of these can be addressed via education. Some of the conflicts between trail bike riders, other trail users and residents can be lessened by arriving at a better shared understanding of what each group wants and expects. The general community's level of frustration can be reduced when they are better informed of when and where trail bike riding is legal and illegal.

Whilst education and information alone will not necessarily change behaviours, in this instance it is believed that a lack of information is a barrier in its own right. Experience has shown that *most* people want to do what is "right". Problems arise when they don't know what "right" is. Whilst this is often simply a matter of common sense, unfortunately common sense is usually not that common.

Education programs are required for:

- Riders including Juniors
- Parents
- Industry
- Building community support

RIDER EDUCATION PROGRAMS

Education can raise awareness of the responsibilities of trail bikers in respect of minimising the environmental and social impacts of the activity. Current levels of ignorance and misinformation are high in regard to where and how bikes can be ridden and the laws that apply to their use. Increased awareness of the impacts of inappropriate behaviour and engagement of riders to minimise their impacts can assist with moving trail bike riding onto a long-term sustainable footing.

Rider education promotes responsible trail bike riding and provides:

- information about where you can ride,

- clear understanding of the registration options and rider licensing options and their impacts on where you can ride,
- riding behaviours that minimize environmental impacts,
- riding behaviours that reduce conflicts with other trail users and residents,
- the level of noise emissions that are socially and legally acceptable.
- Encouragement of safe riding measures
- an understanding of the necessity of following state and local laws when riding

The following are a number of concepts for rider education programs.

Trail Rider Code Of Conduct

Codes of Conduct communicate what are accepted behaviours. Negative impacts by walkers, campers and four-wheel drivers have resulted in the development of codes of conduct for bushwalking, camping, horse riding and four-wheel driving. The Recreational Trail Bike Riders Association is developing a Code of Conduct for trail riding which will be promoted to all members and provided to other clubs, retailers and formal and informal riding groups. The Code of Conduct must be incorporated into each of the following education programs.

ORV Registration Kit

A key challenge is to provide clarity, both to riders and members of the general community, in the application of relevant laws. Instead of just receiving a number plate, people who register an Off Road Vehicle should receive an information kit covering:

- Each ORV Area – where to park, where to ride, specific risks, regulations
- Safety – general riding tips, safety equipment, quad safety
- Clubs and associations
- Minimal impact trail riding – noise, environmental, social impacts
- off-road riders code of conduct

The information should be provided in printed, online and DVD form.

Learner's Motorcycle License

Many people get their bike license to be able to ride off-road, rarely riding on bitumen, yet they are required only to learn techniques for riding on the road. Information about the off-road riders code of conduct and minimal impact trail riding should be incorporated in the motorcycle learner's handbook.

Riding Permit

The "Underpinning Legislation" section of this report proposes the creation of a riding permit for extended access to particular riding areas and trails, especially those in environmentally sensitive areas. Obtaining this permit would require the rider to demonstrate an understanding of, and a commitment to, environmentally responsible riding behaviour. An accredited course and examination would assess the rider's knowledge of minimal impact riding.

“Back on Track” Web Site

Information is needed during the planning phase of a ride which allows riders to select the right area for their ride, structure their ride and set accurate expectations⁶¹. It is too late to tell a group of riders who arrive at a riding area that their bikes are not permitted – this will often simply result in the group riding anyway.

Web sites are extremely effective at providing information to the user at the time they need it and there is no restriction on the amount of information that can be provided. A web site is more time-sensitive and cost effective than printed material.

It is essential to develop a web site that:

- allows riders to select the area most likely to satisfy the experience they seek, whilst providing all the information required to ensure they are permitted to ride there, trail gradings, trail length and time-sensitive information such as seasonal, fire burn off or other temporary closures.
- The same site can collect information from riders about trail conditions and warnings that can be relayed to the appropriate land managers.
- Maps can be interactive with Google Earth overlays, GPS co-ordinates that riders can download (many riders have GPS on their bikes).
- Maps and area information can be downloaded and printed by the user.
- Link to the permit system, Trail Capacity Control registration web site and.(See Managing for Sustainability / Land and Trail Management)
- Clear information about the different types of registrations and licenses with links to relevant online tests and relevant government websites.
- Rider safety – riding gear, what you need, links, reviews. Safe riding behaviours.
- Links to other online trail bike riding sites and forums.

The web site must be designed to appeal to the riders and be useful for the riders such that they embrace it as *their* site.

On-Site Information

Riders can be educated at the start of their ride by providing them with maps, interpretative information and the area’s rules and regulations. This can be conveyed via signage in unloading

⁶¹ This is equally important for non-trail riders seeking a non-motorised experience – by directing them away from areas that attract trail bike riders.

areas and trail heads, on printed maps and brochures and posters and via on site patrols by rangers. Visitors need to know⁶²:

- What to expect during their ride eg types of riding available, trail difficulty and other users they may encounter.
- Types of restrictions in place eg any vehicle or rider restrictions, any seasonal or temporary closures.
- What is unique about the area including features, species, historical and cultural interpretative information.
- What riding and social behaviours are expected.
- Encouragement of safe riding measures
- Where to go for more specific information and who to contact.
- Why the rules exist – compliance will increase when riders understand the issues and rationale behind the rules and restrictions.
- Clear signage so that trail bike riders can reasonably be expected to know when they are committing an offence.

Providing information about riding loops and trail network in a particular location will encourage riders to ride further away from unloading areas which are often located nearer residential areas. Whereas riders who are unsure of the location will tend to ride in a smaller area located near the unloading area – creating more disturbance. This information can be provided as signage in the unloading area or at the trail head and via published booklets and maps and the web site.

Delivery options could include Bluetooth downloads at main unloading areas of latest trail information, GPS coordinates, recorded messages or text replies accessed via mobile phone or even low powered ‘tourist radio’ broadcasts.

Additional rangers or honorary officers are required to provide a greater presence on site to assist with education, information, outreach programs, relationship building and good will – as well as enforcement.

It is recommended that a Trail Bike Sign Manual be developed that addresses what signs are needed, information to be provided, where signs should be placed, how signs should be constructed, sign auditing and providing Sign Standards that are adopted by all land managers and ORV area managers. (see *Managing for Sustainability / Land and Trail Management* and *Insurance, Liability and Risk Management* for more information on signage).

Prompts

A prompt is a visual or auditory aid which reminds us to carry out an activity that we might otherwise forget. The purpose of a prompt is not to change attitudes or increase motivation, but

⁶² Further information on signage can be found in sections *Managing for Sustainability / Land and Trail Management*

simply to remind us to engage in an action that we are already predisposed to do eg “Keep Australia Beautiful”, “Slip, slop, slap”.

Many of the US Trail Riding associations have come up with a variety of prompts such as:

- “Know before you go”
- “Find out before you ride out”
- “Use it, but don’t abuse it”
- “The future of this trail depends on you”
- “Stay on trail or stay home”

As part of the recommended Community Based Social Marketing campaign, a series of prompts should be developed that are Australian, targeted at changing rider behaviours, noticeable, self explanatory and usable in the widest possible range of media – including online, in brochures, on signage and stickers, in clothing and merchandise, as swing tags on products and accessories and at events.

Rider Training Facility

The ORV industry including the not-for-profit sector should be encouraged and if necessary incentivised to develop a purpose built off-road rider training centre (such a facility is currently planned for Hobart). This facility could also be used by the clubs that do not have their own facilities or visiting training groups. Encourage the creation of locally based off-road rider training businesses that provide a range of courses. Course graduates could receive a higher status in the Riding Permit system that allows them to ride in more areas.

Noise Education

Noise has already been identified as a core problem associated with trail bike use and that rider education is absolutely critical as a strategy to combat excessive noise. See the Section *Managing for Sustainability / Noise* for full details and recommendations.

Outdoor Associations - Interaction

A critical strategy in reducing conflict will require a program to educate trail bike riders on how to behave around other trail users and respecting the rights of other trail users.

Memorandums Of Understanding with peak bodies of other trail users should be developed to increase respective understanding of each activity, how trail users wish to be treated and particular considerations.

Perhaps by educating trail bike riders and their families about the dangers of horses and bikes. It is not just that a horse gets scared, - their natural reaction is to run from danger- it is the humans who get hurt (broken bones, grazes, spinal injuries, head injuries and fatalities) in the process.

Junior Riders – Education Program

Junior riders require particular consideration. Firstly, they are the trail riders of the future so fostering the desired trail riding behaviour now, will minimize problem riding later. Secondly, they

are generally less aware of their social and environmental responsibilities (although some are more aware than their parents). Thirdly, they have less understanding of trail sharing that can come from being a registered rider/driver and having road experience.

It is recommended that education for junior riders is provided on:

- Safety – safe riding practices and required riding gear.
- Riding skills – coaching courses provided by clubs, commercial providers. Graduates of Riding Skills programs have more rights to ride and areas to ride in. (See: Appendix 2 Junior Riders' Licence Discussion Paper)
- Trail bike riding and the law (could be conducted by the police)
- Places to ride – where Juniors can and can't ride
- Track and trail rules and procedures
- Rider etiquette and code of conduct

Programs to provide this education are:

- ORV Registration Kit for Junior Riders
- Junior Riders section of the "Back on Track" website
- School programs conducted by RTRA, Motorcycling WA, clubs, trail ambassadors.
- interactive CD-ROM
- Junior Riders License – learning materials and online test.

Certified Training Providers

Apart from the Junior Off-Road Riding Series, and other club training days there are currently no Trail Bike Riding training providers in Western Australia. There are a number of individuals who have received coaching accreditation via MWA but they generally work at a club level. Ad hoc training days are provided by Eastern States training providers but these are infrequent and perceived to be for advanced riders.

The current focus of these providers is about *coaching*, and while this has merit, to more capably provide for off-road use requires a focus on *training*.

Encouragement is required for commercial training providers to establish services and programs with training in riding skills, safety, minimal impact riding behaviours as well as education about laws, regulations and riding areas.

NON-RIDING PARENT EDUCATION PROGRAMS

It is a reasonable assumption that parents who do not ride trail bikes themselves are going to be less knowledgeable about trail bike riding than those parents who do ride. Yet non-riding parents are still responsible for their children and their trail bike riding behaviours.

With the Chinese import bikes lowering the entry cost into the activity, spontaneous purchases that do not consider all the implications are on the increase. Parents should be asking and answering –

- Where can their kids ride?

- Where are they *going to ride*?
- How will they get there?
- How will we transport their bike?
- What if there aren't any riding areas within a 2 hour drive of where we live?
- What is all the riding gear that they need and what type/quality should they have and how much will that cost?
- What type of bike is right for my child and the type of riding they want to do?
- Who are they going to ride with?
- How are they going to learn to ride, who is going to teach them, how do they get the appropriate skills?
- What else do we need to know about riding in the ORV areas and on the trails?
- What are the dangers and risks?
- How do we minimize those risks?
- What are the laws in relation to junior trail bike riding?

Improved education is critical to reducing the level of under-aged riding and use of unregistered motorbikes that result from ignorance, confusion or misinformation.

Communication media that should be developed to assist parents in understanding their responsibilities when buying a trail bike for their child are:

- ORV Registration Kit for Junior Riders
- Information for Parents in the Junior Riders section of the "Back on Track" website
- DVD available from Motorcycling WA, RTRA, clubs, bike shops
- Brochure provided by bike shops to parents at their initial enquiry
- Junior Riders License – learning materials and online test.

INDUSTRY EDUCATION PROGRAMS

Motorcycle retailers are in the prime position to assist in the education of customers at the point they are buying their bike. This is particularly true for first time buyers and non-riding parents who are seeking advice.

A reputable sales person will not actively encourage a customer to break the law, or mislead them, but they do contribute to perpetuating illegal riding if they suggest to customers that "this is what other people do". Anecdotal evidence suggests that this occurs frequently.

If however these strategy recommendations are implemented and we get the system back on track, then retailers will be only too happy to provide advice and information about the whole system, and not just about the bike.

Industry Engagement

- Industry leaders engage with the overall strategy by involvement in the Off-Road Vehicle Reference Group.

- A specific “Trail Bike Industry Forum” is convened to brief all manufacturers, bike retailers and accessory retailers on the strategy, its objectives and initiatives. This Forum is reconvened when specific educational initiatives are launched to enrol the retail outlets as distributors of the information.
- Work with the manufacturers and retailers to encourage responsible marketing and sales. An information pack can be developed to provide customers with accurate information about where different types of bikes can be legally ridden, rider safety, responsible riding programs and minimal impact training programs.
- Accreditation program for dealers who demonstrate an understanding of the legal, social and environmental issues. This is a ‘Code of Conduct’ for the industry. Those accredited dealers will then be promoted via the web site, materials – like the Heart Foundation’s “tick of approval”.

Noise Education

While the mainstream manufacturers ensure that their motorcycles comply with noise regulations set down by either the Australian Design Rules (for road-registered vehicles) or Motorcycling Australia (for competition vehicles) the importers of non-mainstream (typically Chinese) bikes which are usually neither road registerable nor usable in competition events have no such frame of reference. Accordingly special attention in both education and enforcement should be targeted at this industry segment.

Education needs to be extended to the importers of exhaust system and the mainstream media who persist in encouraging the purchase of these items with little regard for noise output. We need to change the perception that 'more noise = more power' to one of 'less noise = more riding areas'.

COMMUNITY PROGRAMS – BUILDING SUPPORT

Some groups in the community are never going to like, support or approve of trail bikes and trail bike riding because they are philosophically opposed on the grounds on environmental concerns or the use of motorised vehicles in the bush. For a reduction in conflict it is a core objective of this Strategy to align the objectives of residents, other trail users, land managers and the trail bike riders.

Building Bridges

- Representatives from environmental groups, land managers, local government and other trail users engage with the overall strategy by involvement in the Off-Road Vehicle Reference Group.
- Community partnership are to be created to develop Memorandums of Understanding, Code of Conduct and to continue developing strategies for co-existing:
 - DEC (representing land managers and environmental groups) + RTRA (representing trail bike riders)
 - WALGA + RTRA
 - Walkers peak body + RTRA
 - Horse Rider peak body + RTRA
 - Mountain bikers peak body + RTRA
 - 4 wheel drive association + RTRA

- Local communities + specific ORV area management group (local collaboration)

Changing Attitudes

Clearly the best way to change the current negative attitudes of some members of the community is by addressing their concerns.

Other barriers are a lack of information about the laws surrounding trail bikes, perceived issues regarding the legitimacy of trail bike riding and understanding the rights of trail bike riders.

A Community Based Social Marketing campaign is required to improve current attitudes and social standing of trail bike riding as a legitimate recreational activity. This should advise the public that the enforcement of legislation to control illegal trail bike use is the responsibility of the WA Police and should never involve the adoption of aggressive behaviour or taking the law into their own hands.

Hot Spot Reporting

Provide an online facility for residents, other trail users and general community to log trail bike riding hot spots. This develops the Riding Locations Register but is only accessible to land managers and administrators of the system. This continues the work that started with the Community Online Survey as part of this register.

ENFORCEMENT

Both the general community and the trail bike riders have expressed concern over “nuisance” and illegal behaviour. The current minimal enforcement creates problems for people (and the environment) that are subjected to the impacts of irresponsible trail bike riding, as well as for those who ride responsibly. Issues escalate, conflict escalates and responsible riders are unfairly labelled.

Effective enforcement is a necessary regulatory tool to *support* education, promotion and marketing efforts.

The objective of enforcement is to ensure compliance. Providing warnings along with information will often result in more compliant behaviour. Community Based Social Marketing theories⁶³ believe that in compliance, individuals alter their behaviour to receive a reward, to provoke a favourable reaction from others, or to avoid being punished. The change in behaviour occurs not because the person believes that the behaviour is "the right thing to do," but rather because there is a tangible consequence for not doing the behaviour.

Compliance tactics, such as fines and infringements, are effective as long as the punishments are in place. Once the rewards and punishments are removed, the gains made by using compliance tactics are often lost. While compliance techniques can have substantial impacts upon behaviour, often they are not cost-effective to administer.

Whilst education should be stressed over fines, continued non-compliance that can no longer be excused as ignorance needs to be effectively dealt with.

Rangers have expressed concern over the lack of support with enforcement. For example whilst riders are threatened with confiscation, in reality it is very difficult for rangers to confiscate bikes on the spot.

- Legally rangers can only confiscate on the spot if they are not satisfied of the rider’s identity.
- Logistically they can’t simply leave a rider stranded in the bush, so a Ranger would be faced with a very irate rider as a passenger.
- Many Ranger vehicles are unsuitable for transporting trail bikes.
- What do they do if they come across a group of riders? Attempting seizure would put the Ranger in a potentially difficult and dangerous position.

Offenders can have confiscation ordered by a court following a successful prosecution, however this is a lengthy and often frustrating process.

⁶³ McKenzie-Mohr, Doug & Smith, William (1999) *Fostering Sustainable Behaviour*

Fines for illegal trail bike riding are currently around \$50 which is not perceived as a sufficient deterrent.

Shire Rangers currently have enforcement provisions for the CV(OA)A, but this only applies to vehicles that are not road registered. Some regulations relating to off-track travel in water catchment areas or on DEC-managed land also apply to road registered vehicles and these currently require Water Corporation or DEC officers present to enforce.

POLICING

The WA Police advises that although they have trail bikes which they use for police rider training they do not have a dedicated trail bike squad and are never likely to because of the lack of numbers in the police force and the perceived priority. The WA Police advises that the public would rather see the police out catching criminals and attending to burglaries and assaults rather than being off in the bush chasing trail bike riders who are ultimately having less impact on society.

There are also occupational health and safety issues, rostering issues and equipment issues in ensuring that the police riders have the appropriate gear. All these are issues that make the Police reluctant to get involved in policing trail bikers.

Law enforcement needs to be directed at the issue – outside a closed area to prevent illegal riding, checking registrations if un-registered vehicles are the issue or out on the trails if riders are riding off track.

“I took the family out in the bush on the weekend...4 four wheel drives came belting out from the bush. It was the rangers and water authority. I scored a \$50 fine for trespassing and was told to move on. That was OK as we were apparently trespassing although there were no signs indicating it was private property. Ignorance is not an acceptable defense, so we moved on peacefully. Maybe the rangers could have been a bit more proactive by spending the day at the 4 main entrances of the highway to the area and educate people before they cause the damage rather than chasing bikes through the bush.” Rider responding to the Trail Bike Survey 2007

It is a recommendation that WA adopts the Californian OHV Law Enforcement and Resource Protection Program⁶⁴ which has 3 basic goals:

1. Protect the park from the people – enforcement of various resource protection and vehicle code laws including damage to flora and fauna, ORV operation only in designated areas, spark arresters, staying on trail.

⁶⁴ Taking the High Road, The Future of California’s Off-Highway Vehicle Recreation Program, California State Parks, 2002

2. Protect the people from the park – land managers are responsible for reducing harm that visitors suffer from the natural environment and includes warning signs, maintaining trails and removing or warning of dangerous hazards.
3. Protect the people from the people – enforcing alcohol related laws, excessive speed, reckless driving, trespass violations, noise violations.

LAW ENFORCEMENT PLAN

It is recommended that a Law Enforcement Plan⁶⁵ is developed addressing trespass violations, unregistered vehicles, flora and fauna protection, excessive noise levels and development of a method for the community to request assistance or report illegal or nuisance behaviour.

At a local level the Local Management Committees of ORV areas and trail systems, with local law enforcement officers, would develop local versions of this Law Enforcement Plan for their own area.

ORV COMPLIANCE UNIT

It is recommended that the formation of a specialised ORV Management Unit would more efficiently conduct rotating enforcement patrols of problem areas.

Recognising that the number of enforcement officers is limited, they are not always available and there is a lot of territory to cover, the heightened presence of officers will improve compliance. Riders seeing uniformed personnel on the trail, in unloading areas or at trail heads, lets them know that the area is managed. It also allows officers to engage in dialogue with riders rather than simply being seen as heavy handed and “against trail bike riding”.

Authorised Officers or ‘Honorary Inspectors’ as provided for under the CV(OA)A would have the authority to issue infringements but their primary role would be to provide information, collect photographic and documentary evidence and encourage responsible behaviour directly, by speaking to riders, and indirectly through their presence. These officers would also work with the local Management Committees and trail riding associations to engage local enforcement and volunteers.

Resources

The ORV Compliance Unit must be provided with:

- Sufficient personnel to patrol riding areas on a frequent basis
- Noise meters (and be trained in their use)
- Trail bikes in order to match the mobility of riders and be better able to access tighter terrain

The trail bikes are not for pursuit purposes. The public safety risks associated with high speed pursuits on trail bikes through the bush would easily outweigh any potential enforcement benefits

⁶⁵ Such as the \$3.6m State’s Graffiti Vandalism Reduction Strategy 2007-2010

and it is possible that some trail riders would deliberately 'bait' authorities for the challenge of the chase.

Further work is needed to determine to which organisation these resources belong, how many would be needed and which would be the lead agency.

Legislation

For the enforcement to be effective it needs to be legislatively supported.

- It is recommended that any relevant legislation be provided with the ability to delegate enforcement authority consistent with S38 of the Control of Vehicles (Off Road Areas) Act 1978. This will enable the formation of the Unit.
- The recommendation that all ORV vehicles be registered will assist with identification and therefore enforcement.
- Deeming provisions, where parents are required to take legal responsibility for the actions of their children, are required to ensure that junior transgressors can be effectively dealt with, and the rights to seize and detain unregistered vehicles should be extended to include circumstances where the offender is known to the Ranger.

Penalties

The range of penalties need to be increased and include:

- Community service including trail maintenance and area regeneration
- Increased fines
- Bike confiscation after multiple infringements, with permanent confiscation for recidivists.

Funding

Funding for enforcement should come from the revenue gathered from fines and infringements. This may need seed funding initially in order to ramp up enforcement efforts, but then both the funding and resourcing levels could be expected to progressively reduce as the combined strategies improve compliance and reduce the levels of enforcement that are required. (*See: Key Focus Area 6 - Funding*).

To be effective these increased enforcement recommendations must be implemented along with all other recommendations such as increased and improved riding areas, education and information programs and attitudinal shifts.

SELF REGULATION & COHESION

The previous section detailed the issues related to policing off road vehicles. Enforcement agencies cannot by themselves bring about responsible behaviour. The cooperation of responsible trail bike riders and their associations, through participation in self-regulation is critical.

People's behaviour can be influenced by conformity that occurs when they observe the behaviour of others in order to determine how they should behave. The adoption of new behaviours frequently occurs as a result of friends, family members or colleagues introducing them.

Self regulation is an important strategy in changing behaviours. Many trail bike riders and industry organisations voluntarily meet standards in order to improve their image and demonstrate consideration for the environment, other trail users and community members. All responsible trail bike riders and the whole industry need to be part of the solution in reducing irresponsible, nuisance and illegal behaviour.

Recreational Associations

To effectively progress the range of recommendations in this Strategy it is imperative that cohesion is required within the recreational trail bike riding community.

Motorcycling WA is the peak body for competitive motorcycling and has an increasing interest in catering to the recreational rider and being a facilitator for progress in this area. However as has been previously discussed only around 10% of riders are members of clubs. Most trail riders gather in small informal groups – many using the internet to meet and arrange rides.

The industry needs to mature, become more organised, professional and responsible.

There are a number of trail bike clubs and associations, however the recent incorporation of the Recreational Trailbike Riders Association (RTRA) which is a member of MWA provides a capable body for this cohesion and the conduit between riders and government and community groups. It is recommended that RTRA engage with DSR via their Trails Group, DEC, other peak bodies and work to be an effective conduit to the riders.

Self Regulation

Riders themselves must take responsibility for obeying the law and riding responsibly. They also need to work within their riding groups and with other riders to minimize the incidence of illegal and nuisance behaviour.

Riders Code of Conduct

To be developed and promoted to riders and industry. Both RTRA and DSMRA currently have Rider Codes, and input from an organisation such as Leave No Trace could be beneficial in articulating the desired behaviours in a succinct form.

Trail Ambassadors

Trained volunteers as role models are helpful in changing behaviours. Trail ambassadors or hosts can provide information and engage with riders on the importance of responsible riding and minimal impact. Volunteers should undergo training in policies, regulations, code of conduct, minimal impact riding behaviours and they need to relate well to people and understand that they are not enforcement officers. Their primary objective is to provide information, guidance and mentoring in responsible riding and act as a role model.

Cherry Creek Trail Rangers recently received a four-hour training session in which they were familiarized with the trail and what to do in the event of an incident. The rangers will also greet trail users, be on the lookout for vandalism, check for trail wear and tear and make note of trail users who do not follow trail etiquette.

www.americantrails.org

It is recommended that a Trail Ambassador program be developed and piloted in one ORV area initially.

ORV Area / Trail Community Management

Community Management Committees are needed for each ORV area and trail system (*See: Managing for Sustainability / Governance*). Trail bike riders using these areas should volunteer to work on the Community Management Committee to assist in the management of the area as well as in specific taskforces to work on particular issues. Volunteers from the local riding community are also needed to assist with area and trail maintenance (*See: Managing for Sustainability / Track Maintenance*).

KEY FOCUS AREA # 5 REGISTRATION AND LICENSING

Many of the recommendations made in this Strategy rely on a framework of registration and licensing in order to differentiate what can and cannot be done by whom, where and with what.

Legislative changes can be complex to effect and can take considerable time, so the focus on this areas is accomplishing as much reform as possible within existing legislation.

It is noted that the core legislation affecting off-road vehicles, the Control of Vehicles (Off-Road Areas) Act 1978, referred to here as CV(OA)A, has been the recent subject of a departmental review. At the time of writing this Strategy the recommendations resulting from that review have not as yet been published as they are still with the Minister for Local Government and Regional Development.

While no attempt has been made to duplicate the extensive process that was undertaken for that review we have made a few recommendations in relation to the CV(OA)A that have been prompted by the consultations for this project.

Other legislation that impacts on rights of access often differentiates between classes of registration and licensing, so has been considered within this section.

The recommendations made under this Key Focus Area are considered broad and directional rather than definitive.

OBJECTIVES

1. A consistent legislative framework that provides clear boundaries around acceptable behaviour in relation to the use of off-road vehicles.
2. Increased flexibility to match the differing levels of access control required with an appropriate scale of license and registration levels.
3. Focus on both control *and* enabling legislation.
4. Achieving the above with the least possible amendments to existing legislation.

SUMMARY OF RECOMMENDATIONS

CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978

5.01 ORV registration compulsory for all recreational vehicles that are not A Class or B Class registered – mandatory at point of sale

5.02 Increase Registration fees and implement a sliding scale based on vehicle capacity

5.03 Insert provisions on alcohol consumption in line with the provisions of the Road Traffic Act

5.04 Prohibit the carrying of passengers unless the vehicle is specifically designed for the purpose and the original as-manufactured equipment, eg pillion seat, pillion footpegs are in place.

5.05 Direct that registration fees are to be used for ORV facilities and trails development and maintenance, fines and infringement fees are to be used for enforcement programs

5.06 Clarify that ORV areas can be designated to include specified trails, (excluding the area either side of the trail) and not just land areas defined by administrative boundaries.

5.07 Increase penalties, emphasising those offences likely to cause damage or excessive noise

LICENSING AND REGISTRATION

5.08 Create a new Extended B Class Registration for off-road use by ADR compliant trail bikes (but without the requirement of fitting specific ADR gear for registration)

5.09 Develop a Third Party Personal premium model to suit the extended B Class Registration and ORV Registration

5.10 Incorporate ORV registrations into NEVDIS database for theft recovery

5.11 Enable authorised officers to sell ORV registration on-site

5.12 Develop process for ORV registration at point of sale

5.13 Improve information about ORV registration options at industry and consumer level

5.14 Initiate and promote a six month amnesty on ORV Registrations. Increase on-site registration checking and create communication materials to ensure the message gets across to riders

5.15 Replace ORV registration plate with sticker system.

5.16 Explore technologies such as RFID for tamper-proof vehicle identification

5.17 Better data extraction of ORV registrations for facilities planning purposes

5.18 Conduct a study into the Junior Riders' Licence (Early Learners' Permit) concept.

THE PRINCIPLE

There are many different types of off-road motorcycle and ATVs. There are many different types of riders covering a very broad age spectrum. And there is a range of different environment protection priorities, defined by limits of acceptable impacts, to be considered.

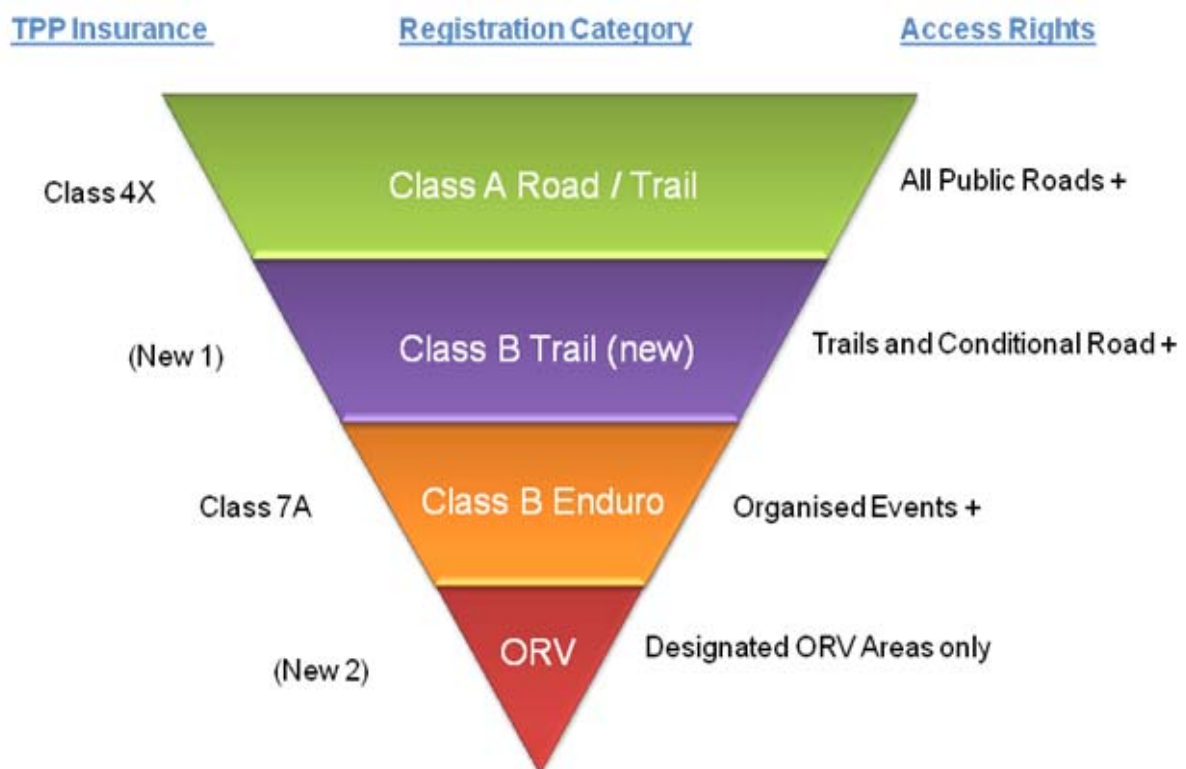
It is obviously impractical to legislate for specific access conditions on a per site basis, however it is also apparent that a 'one-size-fits-all' approach is less than ideal given the flexibility required.

What is needed is a framework that can better match the different levels of community and environment protection required by specific circumstances with appropriate levels of vehicle conformity and rider licensing.

While creating flexibility to match registration / licensing to appropriate protection requirements will play an important role in managing ORV use, special care must be taken to avoid creating a system that is unnecessarily complex and confusing, or inefficient and expensive.

Accordingly a cascading system of rights is proposed, with the higher levels of vehicle registration having access rights at their own level and any levels below. Insurance coverage is either existing or will need to be developed for each category.

This is summarised in the following model and described in this section.



REGISTRATION and VEHICLE STANDARDS

OBJECTIVES

1. To aid in enforcement of regulations by enabling the identification of vehicles and tracing to their owners.
2. To provide practical guidance as to construction and equipment standards appropriate to intended use.
3. To shift consumer perception of trail bikes – and mini bikes in particular – so that they are seen less as toys and more as *bona fide* motor vehicles.
4. To facilitate the capture of data about ORV use that will aid future needs planning.
5. To assist in theft reduction via inclusion in the REVS database.
6. To generate revenue that can be applied towards facility development.
7. To satisfy community expectations that Off-Road Vehicles will be better regulated.

CURRENT LEGISLATION

Motor Vehicle registrations in Western Australia are governed by the Road Traffic Act 1974 and the Control of Vehicles (Off-road Areas) Act 1978. There are currently three levels of registration:

- **A Class Registration (full road registration)** - This level of registration is available to Australian Design Rules (ADR) compliant motorcycles and provides unrestricted access to the public roads network. It also includes third-party personal insurance to protect riders against any claims made for personal injury inflicted on others in the event of an accident. Only motorcycles that have an ADR compliance plate signifying that the vehicle complies with all requirements for registration are eligible for this level of registration. This means mirrors, indicators, speedo, lights, mudguard extenders etc. It is not possible to simply fit these items to a motorcycle that does not already have a compliance plate in order to register it.
- **B Class Registration** - Class B registration is a conditional form of registration that is available for motorcycles that do not have a compliance plate but to which have been fitted head and tail lights a working stop light and a muffler that limits noise level to no more than 94 dbA. This is a restricted level of registration and Class B motorcycles can only be used on a public road whilst participating in an event arranged by Motorcycling WA or other organisation approved by the DPI. Third-party personal insurance cover is provided by the State Government Insurance Commission while the motorcycle is being used in competition. Because of this limited insurance cover Class B Registration costs significantly less than Class A registration .
- **Off Road Vehicle (ORV) Registration** - In order to access the designated Off Road Vehicle areas - Lancelin, Gnangara, Pinjar and York - motorcycles, quads and other off-road vehicles (unless road registered) are required to have ORV registration. They can be registered at any licensing centre and do not need to be fitted with typical on-road equipment such as lights, horn etc. The fee is currently six dollars with a one-off six dollar fee for number plates the first time the vehicle is registered. All off road vehicle registrations expire on 30th of September each year. ORV registration does not include any third-party insurance.

ISSUES WITH CURRENT LEGISLATION

Relevance of ADR Compliance to Off-Road Vehicles

In the survey of riders, 58% of riders who own a registered trail / enduro bike claimed to use it on sealed roads less than 5% of the time, with 17.8% claiming to never ride on sealed roads.

This suggests that;

- a) many of the ADR requirements that have been developed primarily for on-road traffic situations – horn, indicators, dual purpose tyres etc - may not serve a useful purpose on trail bikes that are ridden almost exclusively off-road, and
- b) a reduction in the cost of Third Party Personal insurance incorporated in Class A registration may be justified for trail bike riders who only use their vehicles off-road. This was one of the main arguments in negotiating the Enduro B class licence.

Many, if not most ADR compliant trail bikes sold in Australia are imported without the ADR specific items such as mudguard extenders, indicators and restrictors. The machines are often fitted with this additional or substitute equipment by a third party organisation or the dealer – a labour-intensive process that adds to the retail cost of registerable trail bikes and widens the price gap between trail bikes and motocross / fun bikes.

Much of the ADR equipment such as indicators and mirrors is subsequently removed by the customer in order to make the vehicle better suited to its original intent of being ridden off-road. For example, ADR compliant indicators that protrude from the side of the bike are vulnerable to damage, mirrors can be a safety hazard in the event of a trip over the handlebars, while the bulky rear mudguards add weight and serve no practical purpose for the off-road rider. These items are often removed. Restrictor plates are sometimes fitted to the carburettor or exhaust headers, or taller gearing installed in order to meet ADR-specific ‘ride-by’ tests for noise emissions. These can seriously impair performance when compared with the manufacturers’ original specifications and are often removed as part of the dealer pre-delivery. Full ‘knobby’ tyres provide greater grip on unsealed surfaces and are usually either fitted pre-delivery or by the customer soon after purchase.

These customer-initiated modifications are not simply performance enhancements – they are more a reflection of the fact that the generic ADRs do not properly cater for the conditions for which these bikes were designed and intended. If we are to insist on a form of registration to ride in public places that are unsealed roads and tracks, then should we not have a category of registration and vehicle standards that optimises safety for those conditions?

Non-ADR compliant vehicles

Western Australia’s Class B registration is available to non-ADR –compliant vehicles but is only applicable to vehicles while being used at an event (competition or recreation) by an organisation approved by the DPI. By contrast, the state of Victoria introduced a Recreational Registration option for both ADR and non-ADR compliant trail bikes to offer lower cost TPP insurance to riders who did not use their trail bikes on metropolitan roads and to enable these bikes to be sold in non ADR form. Under the Victorian model a non-ADR compliant motorcycle can achieve recreational registration

with the addition of a horn, lights and a mirror. Once registered it can be ridden on forest roads or local roads outside 'built-up' areas. VicRoads maintains a list of road classification codes to assist in determining the status of roads for this and other purposes.

While this form of registration has been popular with riders and emphasises the view that trail bike riding is an activity best enjoyed outside the urban area, an unintended consequence was that it enabled competition motocross bikes to be registered and ridden on public roads. Whether it is the more aggressive powerband of these bikes or the mind-set of the riders, the evidence is that registered motocross bikes generate more complaints for noise and trail damage than equivalent trail or enduro bikes. As a result, there is a call to review the Recreational Registration scheme.

The current requirements for Class B registration in Western Australia are a little more liberal than those for Recreational Registration in Victoria, but the important distinction is that Class B registration in Western Australia is only valid while the motorcycle is being used in an event arranged by Motorcycling Australia or other approved body. Many Class B registered motorcycles are adapted motocross bikes, however some are the smaller capacity 'fun' bikes ridden by people of shorter stature who find full-size trail / enduro bikes difficult to ride because of their taller seat height. Despite being restricted to operation in daylight hours only, Class B vehicles are still required to have working head, stop and tail lights. While this probably doesn't fulfill a functional purpose, it does at least favour those bikes that would otherwise be fully registerable and tests the commitment of those wishing to register a motocross or fun bike. At present, quad bikes are not eligible for Class B registration, however this is currently under review. DPI is responsible for setting the conditions under which a B Class vehicle can operate.

Options:

1. Maintain status quo.
 - a. Insist on all ADR-required equipment being fitted to those bikes that are going to be Class A registered and use discretion in enforcement according to circumstances where riders subsequently remove mirrors, indicators, mudguard extenders, chain guards etc.
 - b. Continue to allow motocross and fun bikes to be Class B registered (if appropriately modified) and continue to restrict their use and insurance cover to organised events.
2. Extend B Class registration to parallel the current Victorian system by:
 - a. Removing those restrictions that only make this class of registration valid during organised events.
 - b. Removing restrictions on TPP insurance cover.
 - c. Applying restrictions on where a Class B registered vehicle can be used – eg by road classification.
 - d. Strongly enforcing the 94db noise limit provisions

3. Extend B Class registration to enable bikes that are intended to be used on unsealed roads and tracks solely or for a very large percentage of time to be optimised for off-road conditions.
 - a. Split B Class registration into two categories:
 - i. A Competition category (as per current regulations and restricted to use on public roads only when involved in an event organised by Motorcycling WA or other approved body)
 - ii. A Trail category, with restrictions that exclude use within urban areas, highways and arterial roads. Develop a schedule of designated vehicle models that can be registered, for example;

Trail or enduro bikes for which ADR compliance has previously been achieved but to which any equipment which is not part of the vehicle when manufactured, but is required to achieve ADR compliance, has not been fitted – eg mirrors, indicators, tyres, rear mudguard extenders and carburettor or exhaust restricters not originally fitted by the manufacturer. Noise emissions to be 94db or less.
 - b. Extend the Limited Traffic Licence beyond organised events but precluding use on highways and roads in urban areas in order to enable Class 7(a) TPP insurance to be extended accordingly.
 - c. Share the savings that would be generated by manufacturers or distributors not having to add all the ADR equipment in the pre-delivery stage three ways:
 - i. Reduction in retail price to the consumer
 - ii. Increase in margin to dealers
 - iii. Establishment of a fund to develop educational material about responsible trail bike riding (including environmental and social responsibility).

Recommendation:

Option 3 – Create a separate ‘Trail’ category of Class B registered vehicles, with vehicle eligibility determined on the principal that bikes designed primarily for motocross competition use are not appropriate for this category.

ORV Registration

Western Australia is also the only state with ORV Registration that encompasses trail bikes, quads and other recreational vehicles that do not comply with any typical on-road standards. ORV Registration is administered by DPI under the Control of Vehicles (Off-Road Areas) Act 1978 and is required in order to operate a vehicle in any of the designated Off Road Vehicle areas. The scheme

is not well promoted, and it appears that currently only Rangers at the Lancelin ORV area actively check and insist on this level of registration.

The registration and renewal system is quite cumbersome, requiring a statutory declaration of ownership and agreement to the 'described safety and noise requirements of the Control of Vehicles (Off Road Areas) Act 1978' – which do not appear to exist in any printed or online publication outside the Government Act and associated Regulations.

Renewals occur on 30 September of each year regardless of the date of initial registration. A statutory declaration is required to renew ORV registration.

No inspection of the vehicle is required for ORV registration.

Promotion and Information

More effort needs to go into ensuring that the rules are known and understood by riders. For example there is currently no reference to Off Road Vehicle registration on the DPI Web site, despite DPI being the agency responsible for handling ORV registration.

And there is no information about the Act itself on the DLGRD Web site, despite DLGRD being responsible for the Act itself.

Compulsory Registration at Point of Sale

There is a strong belief among community stakeholders that compulsory registration of all off-road vehicles is a necessary measure to support enforcement of existing regulations (through identification of the owners of infringing vehicles).

There may be an unrealistic expectation of the effectiveness of this strategy in reducing the incidence of illegal riding:

- ORV Registration is only valid for designated ORV Areas, however ORV registration currently has no practical benefit for riders within these areas as it does not provide any form of insurance cover.
- Given that operating an ORV-registered vehicle on public land outside an ORV Area is illegal, there is no benefit to the rider in having ORV registration outside an ORV area. The likelihood is that riders operating vehicles illegally in such public areas may remove their ORV registration plates to avoid identification. The 'rogue riders' that the compulsory registration is intended to catch are therefore likely to continue to evade identification.

Having said that, there are several other reasons to support compulsory registration:

To shift buyer perception of trail bikes – and mini bikes in particular – so that they are seen less as toys and more as bona fide motor vehicles.

Like the 'Christmas puppy', many trail bikes and quads are being bought as an impulse purchase. This situation has increased significantly in recent years as a function of the availability of cheaper Chinese bikes, and the high disposable income being generated by WA's booming economy.

With little thought about where the bike will be ridden, how it will be transported to where it will be ridden and who will supervise the riding by juniors, it is little wonder that so many of these bikes are ridden in parks and reserves, streets, local bushland and other inappropriate places.

Insisting that every vehicle purchased must be registered would send a clear signal that these machines are proper motor vehicles – not toys – and they warrant a level of commitment and responsibility.

To satisfy community demands for better enforcement of regulations

While the positive impact of compulsory registration on enhancing compliance and assisting enforcement of regulations may be lower than advocates of compulsory registration may expect, it remains that this would be seen as a major policy shift and evidence of the WA State Government's commitment to improving what is currently an untenable situation.

To facilitate the capture of data about ORV use that will aid future needs planning.

A compulsory registration scheme would facilitate data gathering which could be used for needs planning purposes. An example of how this works in practice can be seen with the recent Recreational Boating Facilities Plan which uses registration data to quantify the boating population within each Local Government Area.

A similar scheme for trail bikes could help inform decision about various types of riding facilities and support equitable funding across LGAs. This outcome would provide advantages to the riding community and make mandatory registration more palatable.

To assist in theft reduction via inclusion in the NEVDIS database.

Motorcycle theft is a serious concern and recovery is hampered by the non-inclusion of unregistered bikes on the NEVDIS database.

This is a priority and will require federal intervention. B Class motorcycles are currently included in REVS, however the process involves manual input and does not extend to protection interstate. Manual input easily leads to errors which complicates the matter for DPI, rider, original owner and dealers.

While there is an unresolved issue at the national level (the NEVDIS database currently only contains ADR-compliant vehicles), any form of centrally recorded registration would have the potential to interface with national property identification systems. This, too, would be a practical and valuable benefit of registration to trail bike owners.

To generate revenue that can be applied towards facility development.

Recreational boating registration generates an estimated \$7 million annually, of which around \$1 million is returned in grants through the Recreational Boating Facilities Scheme.

A similar mechanism could be applied for trail bikes through registration fees.

Implementation

For new bikes, gaining compliance to a compulsory registration scheme is best tackled at point of sale. Dealers already handle the Class A (full road) registration of ADR compliant off road

motorcycles, so the extension of this service to include ORV Registration is not likely to be a significant imposition.

DPI already processes registrations for Off Road Vehicles under the Control of Vehicles (Off-Road Areas) Act. In the first instance this system could very easily be adapted by providing dealers with the ORV Registration Form which they could then have the customer complete in store as part of the purchase process. A separate form could be completed by the customer (and submitted to DPI) in the event that the customer refused to register their vehicle. The system should classify ORVs as either motorcycles, ATVs or dune buggies etc in order to provide more detailed information as an aid future planning.

In the longer term a more integrated online system could be developed for dealers.

The process of achieving registration of those vehicles already in private hands would take some time. An education program coupled with increased ranger presence and focus on registration checking would be required. An amnesty period of six months could be offered – with a zero tolerance approach taken after that time. Encouraging buyers of second hand motorcycles and quads to sight ORV registration as a safeguard against buying stolen vehicles could be used, especially if the ORV registration enabled listing of that vehicle on the REVS or NEVDIS databases.⁶⁶

Rangers and other authorised officers should be equipped to sell ORV Registration on the spot wherever they encounter unregistered bikes – particularly inside ORV areas. This could be done in lieu of a fine for first time offenders. Issues of proof of identity, proof of ownership and age of owner need further exploration.

Even with these measures, however, it is difficult to predict just how long it would take for all owners of off road vehicles to be exposed to a registration message in circumstances that triggered action on their part. It will take time but eventually the majority will be registered.

Use on Private Property

It is proposed that compulsory registration would be required even when the vehicle is intended for use on private property only. The Dog Act 1976 requires all dogs to be registered, irrespective of whether they are kept solely on private property, so there is no reason why the same general principle should not apply to off road vehicles.

Optionally there could be exemption by application for vehicles that are only to be used for agricultural purposes, however this would present difficulties if an ‘agriculture’ vehicle was subsequently purchased by a person with the intent of using it recreationally.

⁶⁶ The Motor Traders Association has long been advocating that all vehicles, not just those that have ADR compliance, should be listed on the national NEVDIS database as a theft deterrent and aid to recovery.

Registration Stickers

As mentioned previously it is likely that riders who are knowingly riding ORV registered bikes and quads in non-sanctioned areas may remove registration plates if they wanted to avoid identification.

The current metal registration plates are easy to remove and replace. A better approach might be to replace the metal plate with two registration stickers to be applied to each of the front forks or to the front and rear mudguard.

- These would not be easily removable, so riders wouldn't be able to selectively remove the registration for when they are operating illegally outside an ORV Area.
- They would not be susceptible to breakage or loss, as the current metal plates are in off-road conditions
- They would not require the addition of any special mounting brackets or mudguard extenders as do the current metal plates
- They would not pose any injury risk in an accident
- While not as easily read from a distance they could still be easily checked in car parks or even on route to riding areas.

It is already compulsory that the registration papers be carried on the vehicle at all times.

In the future it might be possible to embed an RFID tag into a registration sticker to enable the registration details to be electronically read by a ranger or other enforcement officer.

Registration Fees

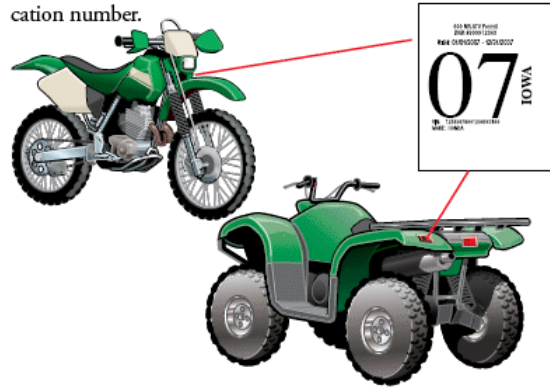
The current ORV registration fee is \$6 plus a once only charge of \$6 for the registration plate. This level of charging is unlikely to cover even processing administration costs, let alone generating any surplus revenue that could be allocated to the development of ORV facilities.

A better model can be found in the recreational boating licence fees, which range from \$61.40 for annual renewal for a vessel of less than 5 metre length up to \$335.10 for a new licence for a vessel of over 20 metre length.

In considering the appropriate cost of ORV registration relative to boat registrations there are two major considerations:

Registration Decals

The decal shall be affixed to the rear of the ATV so that the decal is clearly visible. On an off-road motorcycle the decal should be affixed to the yoke of the steering column so that it is clearly visible. The decal must be placed on the yoke in a manner that does not obstruct the view of the vehicle identification number.



1. The overall investment made by owners of large boats is much higher than ORVs therefore a higher registration cost would still be a significantly lower percentage of the value of the equipment.
2. Local and State authorities don't have to provide and maintain the ocean or rivers for boats to operate. Registration-funded grants are made available to provide launching facilities but boat owners are expected to pay for their own moorings and pens/berths etc. By contrast the cost of building and maintaining ORV facilities will be significant.

On the basis of a pure user-pays model it could be argued that ORV Registrations should be substantial. However too high a registration fee would act as a disincentive to register, thereby increasing the cost of securing compliance and putting at risk the benefits of compulsory registration.

There should also be a recognition of the lower impacts of smaller vehicles (typically ridden by younger riders) and the fact that many families own more than one ORV.

Finally, there is a strong argument that funding for ORV facilities should recognise the environmental, social and health outcomes of providing ORV facilities. (See: Funding)

The following table illustrates a possible range of registration fees (excluding Third Party Personal insurance):

Engine Capacity	New Registration	Renewal
Under 80cc	30	20
80cc to 125cc	40	30
126cc to 250cc	50	40
Over 250cc	60	50

The major factor in setting a registration fee is the cost of Third Party Personal insurance. For example Recreational Motorcycle Registration in Victoria costs \$62.30, of which \$55.00 (inc GST) is Third Party Personal insurance.

According to the Insurance Commission of WA the initial cost of providing Third Party Personal insurance might act as a disincentive, however this would be reviewed progressively as a claims history developed⁶⁷. The current cost of Class 7A insurance for the existing B Class Enduro registration is \$16.57

⁶⁷ Refer discussion on Third Party Personal insurance in Insurance, Risk and Liability section

While low cost Compulsory Third Party insurance is the preferred option, an alternative is that ICWA or another insurance provider develop and offer a non-compulsory Third Party Personal insurance cover package, and the above scale of fees would exclude Third Party Personal cover.

- For further exploration: Commercial insurance companies that might provide Third Party Personal insurance cover for off-road use.

RIDER / DRIVER LICENSING

OBJECTIVES

1. To embrace more ORV riders within a legal framework
2. To better reflect the wide disparity between riding in traffic and riding on bush tracks
3. To recognise the competence level of 21st century junior riders
4. To extend the concept and benefits of the graduated drivers' licence system
5. To facilitate the concept of family riding on certain designated trails

CURRENT LEGISLATION

Road Traffic Act 1974

Current legislation supports a graduated licence system:

- New drivers can obtain a learners' permit at the age of 16 after passing a theory test
- The practical driving assessment can be taken at 16 years 6 months
- Provisional licence can be obtained at the age of 17 after 25 hours of logged supervised driving and passing a Hazard Perception test.

Current legislation does not differentiate between heavily trafficked major roads and bush tracks.

JUNIOR RIDERS' LICENCE

The Junior Licence, or Early Learners' Permit is an extension to the graduated driver training system currently operating in Western Australia. Under this proposed scheme children from eight years of age would have opportunity to ride on certain designated public trails on the proviso that they are accompanied by a parent or authorised responsible adult.

The Early Learners' Permit concept:

- picks up on the recognised benefits of extensive driving / riding under supervision (especially parental supervision),
- recognises the level of vehicle control skills possessed by the 21st century "X-Box generation"
- recognises the significant differences that exist between riding on suburban roads and riding in company on bush tracks

This concept and its theoretical underpinnings is discussed in detail at Appendix 2: Junior Riders' Licence Discussion Paper.

PROTECTION OF THE ENVIRONMENT

In order to emphasise the importance of environmental responsibility on trail bike use it is vital that regulations are specific as to what is, and is not acceptable behaviour.

OBJECTIVES

1. To provide an enforceable regulatory mechanism that can reduce the impact of off road vehicles on the environment and on non-motorised recreationalists.
2. To help shape attitudes towards responsible, low-impact ORV use within the natural environment
3. To facilitate conditional access to designated areas, reflecting the value that managed access has on sustainability.

CURRENT LEGISLATION

A review of current legislation and regulations indicates that most of the controls sought by community interests are already in place. Existing legislation protects land areas under the control of the Department of Environment and Conservation, prevents unregistered vehicles and unlicensed riders from being on public land (other than private property or designated off road vehicle areas), specifies condition for the granting of driving licences and governs how motor vehicles should be driven or ridden.

Conservation and Land Management Regulations 2002

Section 5 provides that certain areas can be declared Restricted area for various exclusions (including vehicles) and section 6 provides that certain areas can be designated for conditional use. This provides the flexible mechanism required for a system of conditional access by permit or special licence.

Section 24 Provides for a \$100 modified penalty for littering within CALM land – up to \$2,000 if the ‘litter’ is building materials etc (S25). Consideration should be given for introducing a similar provision in the CV(OA)A so that this unacceptable behaviour is highlighted in the context of ORV use.

Section 35 makes it an offence to, without lawful authority, ‘construct or mark out any road, track, fire break ... on CALM land’ – penalty \$2,000. This provision clearly makes the cutting of ‘single-track’, without permission, a serious offence and needs to be highlighted. See Land Identification for a discussion on existing and new single-track.

Sections 37 and 38 prohibit, without lawful authority, the attachment of any notices, signs etc to any thing or structure on CALM land.

Section 41 prevents access to any land that is designated as a prohibited area, temporary control area or plant disease management area. Sections 42 and 43 prevents motor vehicle access to limited access areas and designated wilderness areas. This provision applies to registered as well as unregistered vehicles and is another example of the importance of a consolidated view of the relevant rules.

Section 47 refers to access via gates and states that where access is controlled by a gate then it is not permitted to access by any other means (including, by inference, going *around* the gate). It is also an offence to unlock, dismantle or break down a gate or locked barrier.

Section 51 makes it an offence to, without lawful authority, drive a vehicle (other than a bicycle) on CALM land other than on a road or in a designated area. This provides the protection against cross-country travel and travel on user-created trails, although it is sometimes difficult to distinguish between a 'road' and a trail that is not a road.

Section 52 refers to off-road vehicles as defined in the Control of Vehicles (Off-Road Areas) Act 1978 and states that 'a person must not drive into or within, or bring into or have within, CALM land and off-road vehicle...' unless that person is the holder of a permit granted under section 8(4) of the Off Road Vehicles Act, and abides by any restrictions, limitations or conditions of that permit. This section does not apply to designated ORV Areas. This section can be used as the enabling mechanism for a 'privilege pass' or conditional permit.

Section 54 aligns the CALM regulations with the Road Traffic Act, stating that 'a person driving or in charge of a vehicle on a road or track on CALM land must not, without lawful authority, do any act that would be a breach of a law of the State if that road or track were a 'road' for the purposes of the Road Traffic Act 1974'. Paragraph 2 of this section makes specific reference to the need to drive with reasonable consideration for other persons, vehicles and animals in the vicinity.

Section 74 prohibits noise that 'unreasonably interferes with the convenience, comfort or amenity of any other person.'

Section 78 empowers CALM officers to request a person to remove any property (including vehicles) brought onto CALM land without lawful entitlement. The CALM office can seize and remove the property if a person does not comply with an order or request, or if the person responsible cannot be found.

Metropolitan Region Planning Authority (Reserved Land) Regulations

These regulations, authorised under the Planning and Development Act 2005, seek to protect land which is reserved under the Metropolitan Region Scheme or included in an improvement plan and which is owned by the Planning Authority.

Section 5 makes it an offence to drive or bring a motor vehicle on to reserved land and Section 6 makes it an offence to drive or ride on reserved land in a dangerous or careless manner. Section 7 aligns reserved land with the Road Traffic Act 1974, giving all reserved land the status of a 'road' for the purposes of that act. This means that, in addition to the offence under Section 5, an unregistered vehicle on reserved land would be committing an offence under the Road Traffic Act.

Section 8 makes it an offence to 'cut, break, deface, pick, injure, destroy or remove any tree, shrub, plant, flower, garden or lawn'.

Section 23 enables the appointment of wardens and honorary wardens whose function is to 'ensure that the provisions of these regulations are complied with.'

Policies and Guidelines for Recreation within Public Drinking Water Source Areas on Crown Land

The Department of Water's Statewide Policy No 13 defines the types of recreational activity considered by the Department of Water to be compatible or incompatible with the multiple barrier approach to drinking water source protection.

Trail bikes and four wheel drive vehicles are treated equally, and their access is regulated under the Metropolitan Water Supply, Sewerage and Drainage Act and its by-laws, and the Country Areas Water Supply Act 1947.

Metropolitan Water Supply, Sewerage and Drainage By-laws 1981

These regulations provide protection from unauthorised motor vehicle use within water catchment areas. They apply equally to registered and unregistered vehicles.

Section 4.3.6 prohibits entry to Crown land within a prohibited zone (Reservoir Protection Zone) except on public roads or Water Corporation or DEC roads which are open to the public, or for the purposes of picnicking within designated picnic sites provided by the Commission.

Section 4.7.2 prohibits the driving of any vehicle on any part of a catchment area without written permission unless on a 'road or track which has a graded, gravelled, sealed, primed or other prepared surface'.

Control of Vehicles (Off-Road Areas) Act

The seriousness of offences that cause environmental damage or excessive noise should be emphasised via significantly heavier penalties.

MONITORING AND ENFORCEMENT

From the above it can be seen that regulations are already in place to prevent those activities that cause the most environmental damage. Clearly the bigger issue is how to enforce the existing regulations.

This issue is dealt with in the section *Changing Behaviours / Enforcement*.

FUNDING

OBJECTIVES

1. To provide a legislative basis for the collection and distribution of funds in support of the Strategy.

CURRENT LEGISLATION

Control of Vehicles (Off-Road Areas) Act

It is recommended that revenue from ORV Registrations be directed by the Act to be allocated towards facility development and maintenance, and that revenue from fines and infringements be directed towards the expansion and maintenance of enforcement programs.

Road Traffic Act 1974

Section 22 requires all vehicle licence charges, with the exception of recording fees, to be credited to the Main Roads Trust Fund, the purpose of which is fundamentally road construction and maintenance, including grants provided to local government for road construction and maintenance purposes.

27% of estimated vehicle licence fees are to be allocated to Local Government roads each year⁶⁸. This equates to over \$90 million in the 2007/08 financial year. Given that a small portion of this revenue is derived from road-registered trail bikes that are ridden exclusively or nearly exclusively off-road, it could easily be argued that a small proportion of the Trust Account should be set aside for the construction and maintenance of motorised trails.

Lotteries Commission Act 1990

Section 22 provides that 5% of net lotteries and lotto moneys received will be paid into special purposes accounts, one of which is the Sports Lotteries Account. The moneys credited to the Sport Lotteries Account 'shall be distributed by or on behalf of the Minister for Sport and Recreation in such proportions and among such bodies engaged in the conduct of sport in the State as the Minister for Sport and Recreation thinks fit.'

A further 12.5% is to be allocated to 'such eligible organisations as the Commission thinks fit and the Minister approves for such approved purposes as the Commission thinks fit and the Minister approves'. One of the purposes is Trails Grant funding, which has historically excluded motorised trails.

It is understood that the Department of Sport and Recreation is seeking the broadening of this scope to include motorised trail activity and this approach is strongly supported.

⁶⁸ State Road Funds to Local Government Agreement 2005/06 to 2009/10

SAFETY

OBJECTIVES

1. To establish standards for behaviour off-road that are consistent with community expectations

CURRENT LEGISLATION

Control of Vehicles (Off-Road Areas) Act

Although this instrument is primarily about the vehicle and where it can be operated, it does incorporate conditions that relate to the riders, such as minimum age and safety equipment that must be worn.

Specific recommendations for inclusion in this Act are additional provisions to govern the conduct of riders within ORV areas, including:

- To counter the dangerous practice of carrying pillion passengers in ORV areas it should be made an offence to carry passengers unless the vehicle is specifically designed for the purpose and the original as-manufactured equipment, eg pillion seat, pillion footpegs are in place.
- Alcohol (and other drugs) and ORV activities don't mix. At the very least the blood alcohol limitations of the Road Traffic Act 1974 should apply to any person in charge of an ORV, with a preference for a zero Blood Alcohol Content level.
- While a road drivers' licence is not required to operate an ORV in a designated ORV area there should be recognition that anyone whose drivers' licence is cancelled or suspended should also be banned from operating an ORV. Further work will be required to determine an effective mechanism for this.
- Riding within car parks, unloading or picnic areas should be limited to 'slow and with great care'. (given that many ORVs are not equipped with speedometers it is impractical to stipulate a maximum speed)

Road Traffic Act 1974

Sections 59 and 59A refer to dangerous driving causing death or injury. At (1)(b) this is defined as "in a manner (which expression includes speed) that is, having regard to all the circumstances of the case, dangerous to the public or to any person".

Sections 60 and 61 – reckless or dangerous driving – make it an offence to drive a motor vehicle in a manner (including speed) that is inherently dangerous or dangerous to the public or to any person.

Sections 63 and 64 relate to driving under the influence of alcohol etc. it is not necessary to go into the detail of these regulations here.

Section 73 expands on the definition of a public place to include "... a road or in any place to which the public is permitted, whether on payment of a fee or otherwise, to have access". This gives effect to all of the above sections in an off-road vehicle context.

Section 78 contains the impounding and confiscation provisions, commonly referred to as "anti-hooning" legislation. In 78A "circumstances of aggravation" are defined as including circumstances in which; (a) the vehicle is being used to race and other vehicle; (c) the speed, or the acceleration, breaking or steering capability of the vehicle is being tested or contested in anyway; (d) the skill of the vehicle's driver is being tested all contested in any way; (f) the vehicle is driven in a manner that causes one or more of the vehicles driving wheels to lose traction with the driving surface. The significance of "circumstances of aggravation" is that it elevates offences under sections 59 , 59A, 60(1) and 61 to impoundable offences.

Section 81 refers to the closure of roads for race meetings or speed tests. It states that a person or body which proposes to hold an event on a road, or to conduct an event which will proceed through Road, and wishes that road to be close to the duration of the event, they make written application to the Commissioner of police applying for an order in respect of a road closure for that event.

Section 83 provides for temporary suspension of written law, at the minister's discretion, on application from any club or clubs for the purpose of enabling a race meeting or speed tests to take place.

Sections 84 and 85 give road authorities the power to hold vehicle users liable for damages to roads and the rights to recover expenses incurred to repair damage caused by heavy or extraordinary traffic.

KEY FOCUS AREA # 6 FUNDING MODELS

For the recommendations in the previous Key Focus Areas to be implemented a recurrent funding stream is required to sustain the programs and their management.

Without a priority on funding, then with all the best will in the world, a professional, coordinated and managed State Trail Bike Strategy in WA will not be possible. The effort cannot be left to under resourced individual departments, local government authorities, clubs or communities.

Trail bike riders' concerns over perceived funding inequities have been discussed in Section 5. There is an imbalance between the budget spent over the last 5 years on the development and maintenance of tracks and trails for walkers, mountain bikers and horse riders versus no expenditure on facilities for recreational trail bikes.

It is not unreasonable that users should pay to provide the funds to develop and maintain these initiatives. However these funds need to come from the payments that users already make, or we want them to make – that currently go into consolidated revenue. It is critical that if registrations are made mandatory, registration fees increased, enforcement increased – then users must see that these funds are being directly used to improve recreational trail bike riding in the state.

The long term objective should be to establish a system that can in time be financially self-supporting, but we have a lot of catching up to do following years of financial neglect.

Accordingly we do not see that, at least in the short term, the objectives of the Strategy can be met without substantial initial investment from the State Government.

OBJECTIVES

1. To devise a sustainable funding model.
2. For the funding to be sourced and managed at a whole-of-government level.
3. For the level of funding to be appropriate to the level of need .
4. To address the previous funding inequities.
5. To leverage a user-pays funding model.

SUMMARY OF RECOMMENDATIONS

6.01 Cost Estimates for the various projects to be prepared and a submission made to the State Government for non-recurring funding to get 'back on track'.

6.02 An "Off-Road Vehicle Trust Fund" to be established by the state government and administered by the Off-Road Vehicle Ministerial Taskforce. Licence fees, revenue from fines and infringements and State and Federal grants to be allocated to the fund.

6.03 Explore

- a) at a national level the fuel tax scheme with a view to establishing a federal grant scheme for off-road trail construction and maintenance.
- b) opportunities for industry contributions such as sponsorships and a 'conservation levy'
- c) a model for a standardised subsidy rate per kilometre of trail maintenance which is made available to volunteer organisations on application.

6.04 The LotteryWest Trails grant funding be expanded to include all trails.

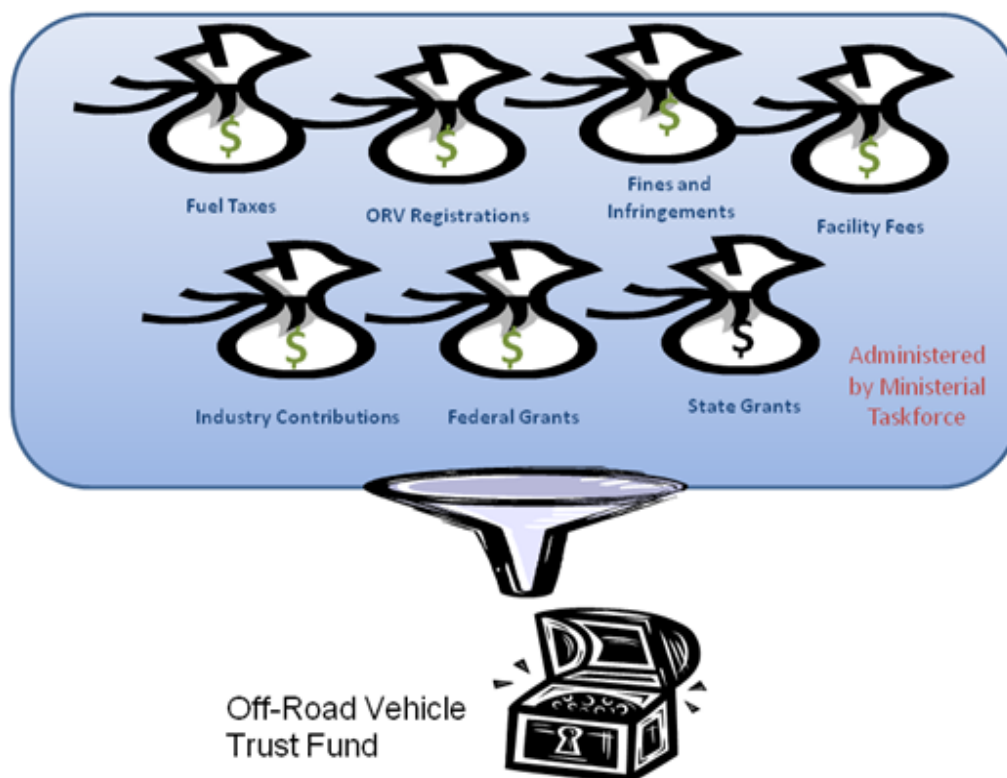
6.05 Introduce an 'area use' fee for those areas where facilities are provided and where trail maintenance is carried out on a regular basis.

6.06 Local Government initiate a shared funding system facilitated and managed by WALGA.

6.07 Creation of an ORV Grant Scheme that can be accessed by local governments, local communities and off-road vehicle bodies and is managed by the ORV Advisory Committee.

OFF-ROAD VEHICLE TRUST FUND

An “Off-Road Vehicle Trust Fund” should be established by the State Government and administered by the Off-Road Vehicle Ministerial Taskforce. The Trust Fund will receive funds from multiple sources and these funds would in turn be provided via grants to acquire, develop and manage ORV recreation in the state.



FUEL TAXES

In other countries, most notably the USA, a proportion of fuel taxes are used to fund road construction and maintenance. In the USA there is a recognition that ORVs use fuel (and pay the taxes) but do not use the road system that those taxes pay for. Accordingly an estimate is made of the fuel tax contribution made by ORVs and this is then allocated to grants programs for the development and maintenance of trails and tracks.

Fuel taxes contribute to road maintenance in Australia as well, but in a less direct and less transparent way. This makes it difficult to calculate how much funding should be applied to tracks and trails for ORV use.

What should be obvious, however, is that ORV users are – to some as yet unquantified extent – subsidising the maintenance of national roads and highways with their fuel purchases – and not getting any direct benefit in return.

Accordingly this issue should be explored at a national level with a view to establishing a federal grant scheme for off-road trail construction and maintenance.

ON-ROAD VEHICLE LICENCE FEES

In Western Australia fees from the registration of all road-going vehicles are directed by the State Government to Main Roads Western Australia via annual appropriations. A proportion of this revenue is in turn allocated to Local Governments for the purposes of various local roads projects.

It should be recognised that many trail and enduro motorcycles are road registered but rarely or never ridden on-road. Even a small proportion of revenue provided to Local Government, if set aside for trail maintenance, could achieve significant outcomes in preventative maintenance.

Accordingly it is recommended that licence fees from ADR compliant trail and enduro bikes be allocated to the Off-Road Vehicle Trust Fund.

New sales pa	ADR compliant trail bikes	2,500 @ \$36 road reg	\$ 90,000
Renewals	ADR compliant trail bikes – 100% ⁶⁹	25,000 @ \$36 road reg	\$900,000
Total			\$990,000

OFF-ROAD VEHICLE REGISTRATION FEES

The recommendation has already been made that all forms of trail bikes have mandatory registration – either road registered or ORV registered. It is recommended that fees collected from the mandatory recreational registrations and road registrations are allocated to positive programs such as trail development, education and the provision of information.

Collecting ORV registration at point of sale should yield close to 100% compliance, however it will inevitably take some time to encourage ORV registration of the large number of existing vehicles that do not currently have this form of registration. Realistically the registration rate is never likely to reach 100%.

Notwithstanding this, the more registrations sold the more revenue will be available to put into facility development. If we are going to place more stringent conditions on the registrations of all trail bikes and where they can operate, then we must also create the quantity and quality of lawful riding areas and trails.

The following table provides calculations of the revenue that might be achieved based on the estimated number of vehicles across a range of registration uptake and renewal levels.

⁶⁹ Assumes 100% of road registered bikes renew their registrations

Caution should be used in interpreting this data as the figures represent nothing more than a guesstimate at this stage, given the lack of data around sales volume and overall number of vehicles (in particular the Chinese imports).

New sales pa	import bikes ⁷⁰ mainstream ⁷¹ – orv	5,000 @ \$20 ⁷² ORV reg 2,500 @ \$20 ORV reg	\$100,000 \$ 50,000
Total			\$150,000
Renewals	import bikes: 10% - 75% ⁷³ mainstream – orv 10% - 75%	10,000 ⁷⁴ @ \$20 ORV reg 25,000 ⁷⁵ @ \$20 ORV reg	\$20,000 - \$150,000 \$50,000 - \$375,000
Total			\$70,000 - \$525,000
Total			\$220,000 - \$675,000

FINES AND INFRINGEMENTS

If vehicle registrations go towards facilities and positive programs then the fees collected from fines and infringements from illegal trail bike activities such as trespass, riding in non-designated areas, not having a registration should be allocated to the funding of further enforcement efforts.

This ‘abuser pays’ system ensures that the majority of riders who do the right thing are not disadvantaged by those that ignore the laws and act irresponsibly.

GOVERNMENT GRANTS

The Off-Road Vehicle Advisory Committee would be responsible for submitting proposals for relevant State and Federal Grants. Examples of State funding are grants available via Lottery West, Trails Grants, Youth Grants, Health via Injury Prevention and Department of the Attorney General via proceeds of the Hoon Law.

It is estimated that some \$60 million has been spent on cycling infrastructure over the past 4 years to build bike paths and on road facilities for cyclists.

⁷⁰ Typically Chinese imports not represented by FCAI

⁷¹ Motorcycles from manufacturers represented by FCAI eg Honda, Kawasaki, Suzuki, Yamaha, KTM etc

⁷² This is the net license component excluding any 3rd party insurance and handling fees.

⁷³ Assume initially only 10% of existing bikes are voluntarily registered, ultimately increasing to 75% via fines, enforcement, education, marketing and the reward of more and better places to ride.

⁷⁴ Conservative assumption of the number of existing import bikes – this would increase each year as new bikes are added to the renewal, allowing for a % to become obsolete.

⁷⁵ Assumes 50% of the current estimated 50,000 bikes are not registerable

The LotteryWest Trails grant is an important funding mechanism for trails planning and development in WA. Currently limited to non-motorised trails, this should be expanded to include all trails.

INDUSTRY CONTRIBUTIONS

Given the motorcycle industry’s vested interest there may be opportunities for commercial sponsorship of ORV areas – and even specific trails.

The industry might even be encouraged to place a ‘conservation levy’ on sales to raise funds for trail rehabilitation and restoration programs.

FACILITY FEES

The Rider Survey found that a high proportion of riders would be happy to pay a daily facility fee in order to access a quality riding facility.

21. If there was a commercial Trail Biking Riding area/farm/ranch that cost \$25 per day per rider – would you go?			Response Percent	Response Count
Yes - occasionally			35.4%	334
Yes - regularly			24.8%	234
Yes - frequently			25.7%	243
No			14.2%	134
			<i>answered question</i>	944
			<i>skipped question</i>	154

While not specifically tested in the research, the high level of acceptance of the user-pays principle could be extended to whatever pay-per-use principles were practical and efficient from a fee collection point of view provided that they represented value for money for riders.

Accordingly it is recommended that an ‘area use’ fee be introduced for those areas where facilities are provided and where trail maintenance is carried out on a regular basis – ie where specific emphasis is placed on maximizing rider satisfaction. Efficient collection techniques such as pay-by-phone to be explored.

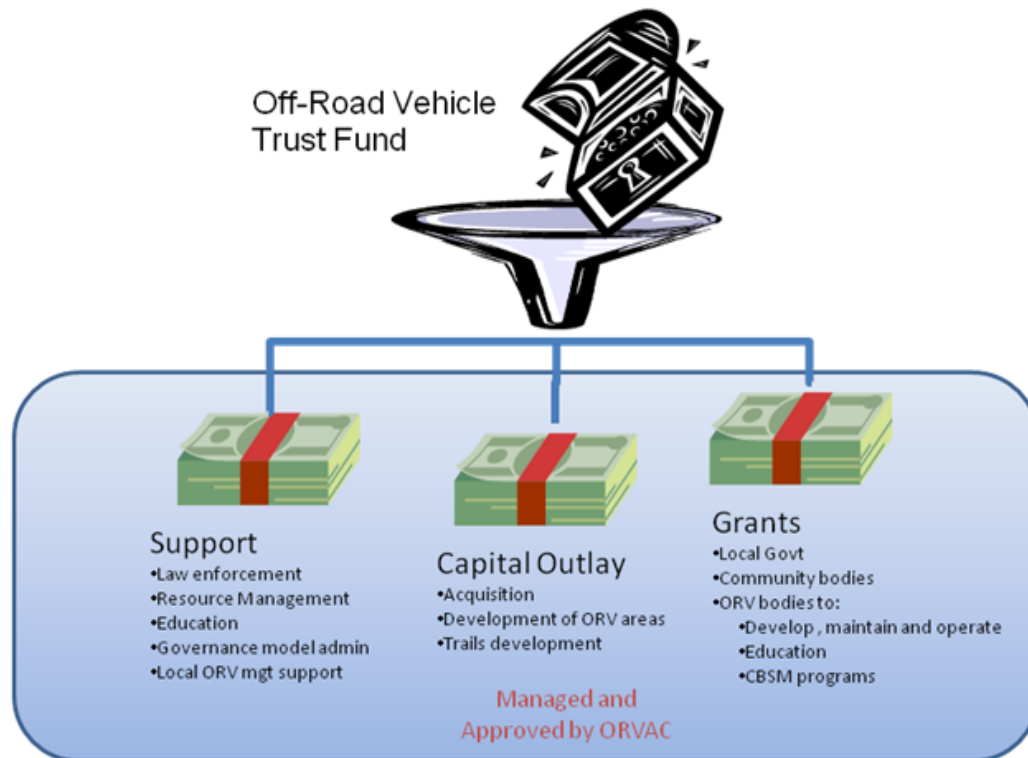
LOCAL FACILITY FUNDING

Trail bike riders are rate payers and hold a not unreasonable expectation that part of their rates should go towards the provision of recreational facilities for riders in the same way that local governments provide football ovals, skate parks and tennis courts.

Obviously no one would expect that every LGA would be in a position to provide ORV facilities. Only some LGAs will have suitable land so surrounding LGAs who would derive benefit from the area in reduced nuisance ORV use could assist with shared funding. This could be facilitated and managed by WALGA. Local facilities could operate on a user-pays basis as mentioned above.

OFF-ROAD VEHICLE EXPENDITURE

The Advisory Committee would be responsible managing the funds of the Off-Road Vehicle Trust and recommending grant submissions for approval by the Ministerial Taskforce.



The Off-Road Vehicle Trust Fund⁷⁶ would provide funds that could be apportioned as follows:

GRANTS

The Off-Road Vehicle Grants program would be fundamentally for local assistance. It would provide grants to local governments, local communities and off-road vehicle bodies for the development, maintenance and operation of off-road vehicle areas or trail systems operated by them at a local level. One-off grants could be made to commercial operators to assist in the initial development of private facilities on private land.

Grants could also be made for these bodies or organisations to develop and implement educational, informational or community based social marketing programs.

⁷⁶ This is a similar model to The Recreational Boating Facilities Scheme via the Department of Planning and Infrastructure

The requirements that grant recipients need to address in their grant submissions must be developed. Proposals must demonstrate that the programs are financially, environmentally, socially and legally sustainable.

The percentage of Trust Funds made available for Off-Road Vehicle Grants would depend on what percentage of facilities are determined will be provided by non-state entities.

CAPITAL OUTLAY

Funds would be used by the state to acquire and develop land for the state operated off-road vehicle areas.

The percentage of Trust Funds made available for Off-Road Capital Outlay would depend on the plan for the amount of additional land needed for off-road vehicle facilities.

OFF-ROAD VEHICLE STRATEGY SUPPORT

Trust funds would support the management needed to facilitate the program. This would include the development, design, maintenance and operation of state based trail systems or off-road vehicle areas on state owned land. Funds would also assist with administration of the Governance model (see Section 3), the Trust Fund, educational, informational and community based social marketing programs.

The percentage of Trust Funds made available for program support will depend on what percentage of facilities are determined will be provided by state entities.

LAW ENFORCEMENT

As has been discussed above, funds from Fines and Infringements would directly provide funds to local and state enforcement initiatives and resourcing. The bigger the enforcement problem, the higher the fines, the more funds to enforce the issue. If over time infringements lessen, then other compliance initiatives such as education would become more important and the funds from fines would lessen.

STANDARDISED MAINTENANCE RATES

An approach adopted in Michigan is a standardised subsidy rate per mile of trail maintenance. This is made available to volunteer organisations on application, with strict conditions for acquittal reporting.

The benefit of this approach is that it enables an estimate of the cost of trail maintenance to be made based on the length of the trail network , provides consistency and simplicity in grant applications and encourages more volunteer groups to get involved in maintenance activities. Accordingly it is recommended that this approach be further explored for its potential application in Western Australia.

PART 3: GETTING TRACTION

All the recommendations and an action plan

1. TABLE OF RECOMMENDATIONS
2. ACTION PLAN
3. RISK OF INACTION

TABLE OF RECOMMENDATIONS

KFA	REC #	RECOMMENDATION
KFA1: Insurance, Liability and Risk Management		
1	1.01	Develop a Master Risk Management Planning Kit that can be applied and tailored to individual ORV Areas and designated trails.
1	1.02	Develop a Risk and Liability information kit for riders including advice about personal accident insurance, income insurance, ambulance cover etc
1	1.03	Develop a Trails Planning /Design / Signage Kit to maximise user satisfaction, reduce risk.
1	1.04	Develop Management Plans for existing ORV areas to reduce risk of injury and litigation.
1	1.05	Encourage adoption of Adventure Activity Standards principles by riding groups
1	1.06	Commission ICWA or other insurance provider to develop a Third Party Personal package for off-road and private property cover.
1	1.07	Explore State underwriting of liability to provide protection to local Shires and Councils
1	1.08	Develop a Risk Management, Liability and Insurance Seminar for all land managers, local councils and potential providers and managers of trail riding facilities.
KFA2: Trails Planning		
2	2.01	Develop a 'trails inventory' as the basis for a transition to the concept of designated trails to prevent proliferation of user-created trails
2	2.02	Provide more opportunities for legal recreational riding with a focus on the following:
2	2.021	Existing ORV areas to be redeveloped with planned facility design
2	2.022	Two additional metro ORV areas – south metro and east / hills.
2	2.023	Additional regional ORV areas
2	2.024	8-10 Small local areas suitable for young riders under parental supervision
2	2.025	2 areas suitable for lease to Minikhana clubs
2	2.026	Designated trail systems that include some limited sections open to Junior licence holders.

KFA	REC #	RECOMMENDATION
2	2.027	Trails and circuits within ORV Areas for quads only and consider areas or routes suitable for a 'destination trail' for quads.
2	2.028	Selected public trails as ORV areas so that they can be used by ORV-registered vehicles and junior riders to deliver the destination trail ride concept to family groups.
2	2.029	Multiple local facilities that are modest in size and construction to attract riders from problematic hot spots, metropolitan and country areas.
2	2.03	With a few clearly designated exceptions (ref 2.026, 2.028) , maintain requirement for registered ADR-compliant motorcycle when used on public trails
2	2.04	Develop permit system – 'privilege pass' – that gives access to more environmentally sensitive land only to those who can demonstrate a preparedness to take special care of the environment.
2	2.05	Develop 'route bookings' system for controlling trail traffic where needed
2	2.06	Establish a funding grant to assist commercial operators/local government in the development of commercial or 'user-pays' bike parks.
2	2.07	Develop a standardised matrix for the evaluation of riding areas and trails.
2	2.08	Encourage Local government authorities to include trail bike riding requirements in Master Trails Planning. This is to include collaborative planning with neighbouring LGAs.
2	2.09	The WA Planning Commission to include recreational trail bike riding in its consideration when acquiring land through the Metropolitan Region Improvement Tax.
2	2.10	Establish key trial sites to demonstrate principles of good design and management and assess impacts on rider behaviour.
KFA3: Managing for Sustainability		
3	3.01	Establish a Ministerial Taskforce, a new Off-Road Vehicle Advisory Committee, Program Manager and a broad Reference Group to provide governance and mandate across government.
3	3.02	Ensure that impacted agencies are adequately resourced to undertake the required tasks.
3	3.03	Create Local Management Committees to manage individual ORV areas. Develop a Terms of Reference and Management Guidelines for these Committees.

KFA	REC #	RECOMMENDATION
3	3.04	Develop guidelines for the use and management of tracks. DEC in conjunction with riders and associations such as RTRA and Motorcycling WA.
3	3.05	Identify and designate certain trails as being for trail bikes only to reduce user conflict.
3	3.06	Develop a standardised Trail Development Planning Kit and a course on designing and maintaining off-road vehicle areas and trail systems for Land Managers.
3	3.07	Adopt the International Trail Marking System and the Department of Environment and Conservation’s Signage Guidelines.
3	3.08	Develop a trail booking system for particular tracks and trails with the functionality to capture maintenance issues from riders on the trails.
3	3.09	Develop parking / unloading areas and create facilities to attract users into approved areas.
3	3.10	Work with trail bike clubs and associations and other groups to create volunteer programs to maintain trails and improve access.
3	3.11	Establish visual trail monitoring and traffic counting with a series of collection points for trail monitoring purposes.
3	3.12	Consider noise reduction solutions such as buffers and placement when designing ORV areas and trail systems.
3	3.13	“Less sound, more ground” campaign to educate, inform, raise awareness and change rider behaviour relating to noise emissions.
3	3.14	Noise testing at ORV Areas and rangers equipped with noise meters and trained in their use.
3	3.15	Reduce the maximum noise levels permitted under the CV(OA)A regulations to align with those of competitive motorcycles as regulated by Motorcycling Australia.
3	3.16	Ban the sale of aftermarket exhausts that do not comply to a defined sound emission limit
3	3.17	Fines to be issued for all offences after initial written warnings.
3	3.18	Establish limits of acceptable impact on a per-area basis.
3	3.19	Develop a formal evaluation program to assess results and impacts of the various initiatives.

KFA	REC #	RECOMMENDATION
KFA4: Changing Behaviours		
4	4.01	Produce ORV Registration Kit covering details about each ORV Area, safety, clubs and associations, minimal impact trail riding and the trail bike riding code of conduct.
4	4.02	Incorporate into the motorcycle learners' handbook information about the off-road riders' code of conduct and minimal impact trail riding.
4	4.03	The 'privilege pass' (Ref: 2.04) requires attendance of an accredited course and examination to assess the rider's knowledge of minimal impact riding.
4	4.04	Develop a "Back on Track" website as an interface between trail bike riders, land managers and interested community members. Hosts interactive riding area selection, maps, permit system, trail capacity control system and relevant information.
4	4.05	Encourage / incentivise development of a purpose built off-road rider training centre.
4	4.06	Develop Memorandums Of Understanding between peak bodies of all trail users.
4	4.07	Encourage / incentivise commercial training providers to establish services and programs.
4	4.08	Produce junior-specific ORV Registration Kit including an interactive CD-ROM.
4	4.09	Junior Riders section of the "Back on Track" website.
4	4.10	Expand School programs conducted by industry associations, clubs, trail ambassadors.
4	4.11	Junior Riders License – learning materials and online test.
4	4.12	Information for Parents in the "Back on Track" website.
4	4.13	Information (DVD, brochure) available from industry associations, clubs, bike shops.
4	4.14	Involve industry leaders in the Off-Road Vehicle Reference Group.
4	4.15	Develop an accreditation program for dealers who demonstrate an understanding of the legal, social and environmental issues.
4	4.16	Target the "Chinese import" industry segment for special attention in both rider education and enforcement focusing on noise and rider behaviour.
4	4.17	Involve representatives from environmental groups, land managers, local government and other trail users in the Off-Road Vehicle Reference Group.
4	4.18	Develop a "Hot Spot Register" reporting and response facility for use by affected residents and other trails users

KFA	REC #	RECOMMENDATION
4	4.19	Develop a Law Enforcement Plan for local adaptation and implementation by Local Area Management Committees.
4	4.20	Establish a specialised ORV Compliance Unit to more efficiently conduct rotating enforcement patrols of problem areas with Authorised Officers or 'Honorary Inspectors' as provided for under the Control of Vehicles (Off Road Areas) Act 1978.
4	4.21	Amend relevant legislation to provide the ability to delegate enforcement authority consistent with S38 of the Control of Vehicles (Off Road Areas) Act 1978.
4	4.22	All ORV vehicles be registered to assist with identification and therefore enforcement.
4	4.23	Strengthen deeming provisions, to ensure that parents take responsibility for the actions of their children
4	4.24	Increase the range of penalties to include Community Service, increased fines, bike confiscation.
4	4.25	Trial a rider/ user volunteer program in one ORV area.
4	4.26	Involve local trail bike riders as members of Community Management Committees for each ORV area and trail system.
KFA5: Registration and Licensing		
5	5.01	Make ORV registration compulsory for all recreational vehicles that are not A Class or B Class registered. Mandatory at point of sale
5	5.02	Increase Registration fees and implement a sliding scale based on vehicle capacity
5	5.03	Insert provisions on alcohol consumption in CV (OA) A in line with the provisions of the Road Traffic Act
5	5.04	Prohibit the carrying of passengers unless the vehicle is specifically designed for the purpose and the original as-manufactured equipment, eg pillion seat, pillion footpegs are in place.
5	5.05	Direct that registration fees are to be used for ORV facilities and trails development and maintenance, fines and infringement fees are to be used for enforcement programs
5	5.06	Clarify that ORV areas can be designated to include specified trails, (excluding the area either side of the trail) and not just land areas defined by administrative boundaries.
5	5.07	Increase penalties, emphasising those offences likely to cause damage or excessive noise

KFA	REC #	RECOMMENDATION
5	5.08	Create a new Extended B Class Registration for off-road use by ADR compliant trail bikes (but without the requirement of fitting specific ADR gear for registration)
5	5.09	Develop a Third Party Personal premium model to suit the extended B Class Registration and ORV Registration
5	5.10	Incorporate ORV registrations into NEVDIS database for theft recovery
5	5.11	Enable authorised officers to sell ORV registration on-site
5	5.12	Develop process for ORV registration at point of sale
5	5.13	Improve information about ORV registration options at industry and consumer level
5	5.14	Initiate and promote a six month amnesty on ORV Registrations. Increase on-site registration checking and create communication materials to ensure the message gets across to riders
5	5.15	Replace ORV registration plate with sticker system.
5	5.16	Explore technologies such as RFID for tamper-proof vehicle identification
5	5.17	Improve data extraction of ORV registrations for facilities planning purposes
5	5.18	Conduct a study into the Junior Riders' Licence (Early Learners' Permit) concept.
KFA6: Funding Models		
6	6.01	Prepare cost estimates for the various projects and a submission to the State Government for non-recurring funding to get 'back on track'.
6	6.02	Establish an "Off-Road Vehicle Trust Fund" administered by the Off-Road Vehicle Ministerial Taskforce. Licence fees, revenue from fines and infringements and State and Federal grants to be allocated to the fund.
6	6.03	Explore: (1) at a national level the fuel tax scheme with a view to establishing a federal grant scheme for off-road trail construction and maintenance. (2) opportunities for industry contributions such as sponsorships and a 'conservation levy'. (3) a model for a standardised subsidy rate per kilometre of trail maintenance which is made available to volunteer organisations on application.
6	6.04	Expand the LotteryWest Trails grant funding to include motorised trails.
6	6.05	Introduce an 'area use' fee for those areas where facilities are provided and where trail maintenance is carried out on a regular basis.

6	6.06	Establish a shared funding system for Local Government facilitated and managed by WALGA.
6	6.07	Establish an ORV Grant Scheme that can be accessed by local governments, local communities and off-road vehicle bodies, managed by the ORV Advisory Committee.

ACTION PLAN

The Action Plan proposes a sequence of actions, recognising that some of the Strategy recommendations are obvious and urgent, while others require further research, exploration and debate.

Some actions can be initiated by agencies and other stakeholders who are already involved in the issue and can commence immediately (a few already have), while others will require the high level endorsement of the proposed governance structure and should most properly wait until that structure is put in place.

Accordingly this Action Plan begins with those elements that, in the opinion of the consultants, can be achieved without delay, and ends with the full suite of recommendations being reviewed and prioritised by the governing bodies that will be created to ensure the sustainable future of recreational trail bike riding.

In taking this approach there has been an attempt to avoid the prolonged inaction that would occur if everything waits until the appropriate governance structure is in place, but at the same time maintaining a sense of an overall strategy rather than a series of disconnected activities.

1. Secure high level support for this Action Plan

- a. Establish responsibilities and priorities
- b. Prepare cost estimates for implementing this Action Plan
- c. Secure funding and associated resources to implement this Action Plan

2. Improve existing ORV Areas at Lancelin, Gnangara and Pinjar

- a. User Community – establish Local Area Management committee including riders, land managers
- b. Risk management – improve safety, signage, develop local rules
- c. User satisfaction – basic trails and circuit development
- d. Basic Facilities – defined and separated parking areas, toilets
- e. Compliance – User communication, industry communication, rotating Ranger patrols
- f. Maintenance – develop maintenance plan and schedule
- g. Monitoring and Evaluation – establish current baseline and monitor changes to user numbers, environment, user satisfaction, compliance and user attraction

3. Create Community ‘Hot-Spot’ Reporting Mechanism

- a. Online reporting of trail bike problem areas
- b. Response and follow-up process – LGAs / DEC / Police

4. Establish Governance entities

- a. Ministerial Taskforce or equivalent high-level structure
- b. Revise or replace Off-Road Vehicle Advisory Committee
- c. Recruit or engage Program Manager
- d. Establish Reference Group

- 5. Clearly communicate current regulations and policies**
 - a. 'Back on Track' web site
 - b. Industry education
 - c. Rider education
 - d. Juniors and parents
- 6. Identify and establish South Metro and Eastern / Hills ORV Areas**
 - a. Temporary facility if long term tenure not available
 - b. Adapt trails planning, signage, local governance and risk management principles from existing ORV areas (as improved under Action Point 2)
 - c. Communicate existence of new area and local rules to riding community
- 7. Commit to State Trail Bike Strategy**
 - a. Taskforce / ORV Advisory Committee / Program Manager to review all Strategy Recommendations, liaising with impacted agencies.
 - b. Recommendations adopted, adopted with modifications, deferred or rejected
 - c. Adopted recommendations to be costed and prioritised
- 8. Secure Funding to implement Strategy**
- 9. Progressively implement Strategy recommendations**

RISKS OF INACTION

In Western Australia there are many other recreational, social and environmental issues competing for prioritisation. Getting trail bike usage 'back on track' will require a significant commitment of time and money, and will inevitably require some compromises that stakeholders will find unpalatable.

So it is important to consider what are the consequences of doing nothing, or of only making a half-hearted attempt at addressing the myriad issues raised in this report.

Environmental consequences

With the growing number of riders placing increasing pressure on the dwindling number (and size) of places to ride it can be expected that trail bike riders will continue to disperse into local bushland areas. The consequence of this is significant long term damage to the environment through accelerated degradation of ecosystems, the diverting of conservation resources into rehabilitation works, frustration of conservation efforts and potential disillusionment (and loss) of volunteers.

Social consequences

With nothing to attract riders away from inappropriate areas there is little likelihood that they will simply decide not to ride. An escalation in inappropriate or incompatible use can be anticipated, along with increased conflict between trails users, increased complaints by neighbours, displacement of conforming land uses and increased frustration and stress of land managers. By further marginalising trail bike riders it can be expected that there would be an increase in anti-social behaviour, which will require an increase in enforcement, which in turn diverts resources away from other community priorities. With a lost opportunity for this popular form of recreation there will be less recreational participation and lost opportunity for the benefits that accrue. Further, without the critically needed attention to ORV design and risk management issues preventable injuries and deaths will occur.

Economic consequences

The cost of enforcement will be a growing burden on land managers (private and public). Executive attention represents a significant opportunity cost and this would increase in the absence of a coordinated approach to the issue. Trail conflict could have a negative impact on business opportunities, eg Bibbulman Track. Insurance claims and litigation directed towards land managers can be expected to increase, and this will have a flow-on effect to the community through the passing on of higher insurance premiums. Land rehabilitation costs will increase (prevention is usually less expensive than cure). Fixing the problem later when it is bigger and even more urgent will cost substantially more.

Political consequences

The community has an expectation of government at all levels to address community concerns. DEC's reputation as a defender of the environment will be negatively impacted. The police, local government and state government will come under increasing pressure from resident groups and it

can be expected that all sides of the issue will progressively become more organised and determined to effect change.

An incomplete solution

Attacking the issue with anything less than a comprehensive approach is not likely to achieve results, as each Key Focus Area identified in the Strategy relies on the support of the others.

This is not to say that everything can be achieved at once. This is a problem that has not had serious attention in thirty years and it is not going to be solved overnight. The sooner we start...

* * *

Articulating the current issues, researching the efforts of organisations and governments elsewhere and proposing a series of recommendations to get recreational trail bike riding 'back on track' is an excellent start to the solution.

We have the opportunity to convert the current situation into the vision outlined at the beginning of Part 2 of this Strategy.

It will take financial and resource commitment, political will – and time. But if we choose to do it right we can develop a model that will deliver significant and enduring benefits to the environment, to the economy and to many sectors of the community.

PART 4: APPENDICES

Detailed discussion papers and supporting material

1. RIDING SITE REGISTER
2. JUNIOR RIDERS' LICENCE
3. RISK MANAGEMENT AND LIABILITY
4. MINIKHANA
5. CONSULTATION METHODOLOGY
6. GLOSSARY
7. REFERENCES
8. COMMUNITY SURVEY
9. RIDER SURVEY

APPENDIX 1: RIDING SITE REGISTER

The first part of this Register has been generated from the responses received from the riders themselves and is not intended to be a complete audit of trail bike riding activity, however it should provide a sense of the different types of areas utilised (and by inference, sought) by riders.

The focus is on where riders from the Perth metropolitan area ride, and this acknowledges the omission of the many areas in regional WA where trail bike riding occurs. A state-wide review of riding areas was beyond the scope of this project.

The designated Off-Road Vehicle Areas have been described in some detail, while other areas have limited description. Brief observations have been made as to the future potential of some of these areas, however more detailed recommendations can be found in the sections entitled 'Land Identification' and "managing for Sustainability" of this report.

The second part of this Register is a list of 'hot spot' problem areas identified by members of the public, rangers and other stakeholders who responded to the Community Survey.

PART 1: RIDERS' PERSPECTIVE

Name	Lancelin ORV Area
Location	Lancelin -31.004005, 115.327950 130km by road from Perth.
LGA	Gingin
Approx Area	400 Ha
Status	Designated ORV Area – All classes and kinds of ORVs
Terrain	Open sand dunes, many with unpredictable crests. Highly changeable terrain. Some limestone cap rock at bases. Mainly soft sand.
Facilities	None
Maintenance	?
Description	Lancelin is by far the most popular of the remaining designated ORV areas. It attracts drivers of four-wheel drives and buggies, and riders of trail bikes and quad bikes from all over the Perth metropolitan region. Lancelin is a popular destination for family weekend and summer holiday vacations, and local business reports a significant reliance on the ORV area. ⁷⁷ The open dunes are ideal for freestyle riding, with naturally occurring

⁷⁷ Lancelin Business Survey 2007 TBM Aust.

	<p>jumps for the advanced riders, and open flat areas devoid of natural obstacles for learners.</p> <p>The sandy terrain naturally favours quad bikes and it is reasonable to assume that this one area alone must play a part in WA's abnormally high share of the national sport ATV market.</p> <p>From a central car park riders can explore different areas – the dunes closest to the car park are the steepest and most suitable for freestyle jumping, while the area 'out the back' (further eastward) is less crowded and has generally gentler slopes. To the south of the car park is a flatter area more suitable for novices.</p> <p>Riders enjoy the freedom of riding unconstrained by tracks, the relative lack of dust, the wide open spaces and – compared with the Gnangara ORV area – the lack of rubbish and buried hazards.</p> <p>Riders are generally happy with the riding environment, but many expressed a desire for shade, toilets and other basic facilities. Little, if any, resistance was encountered to the prospect of paying an entry fee to use the facility if such facilities were provided.</p> <p>Lancelin tends to polarise opinions among riders. There are those that love the place, but for many others the idea of vast expanses of sand and the random collection of bikes, cars, quads, buggies and monster trucks holds no appeal at all.</p> <p>Safety</p> <p>At first glance Lancelin looks like a dangerous free-for-all. It is busy on weekends, particularly during summer and on long weekends and holidays. It is frequented by all manner of motorised vehicles from the smallest child's quad bike up to V8 powered dune buggies. Spectators and sand-boarders often venture into the vehicle zone. And there are no 'tracks' <i>per se</i>, so it appears that everyone just goes anywhere. This observation is borne out by the fact that for around 65 people each year, a trip to Lancelin ends up requiring medical attention⁷⁸ and regrettably Lancelin does have a history of serious accidents and occasional fatalities.</p> <p>But despite the apparent mayhem there is a sense of order amongst the many people who visit Lancelin on a regular basis. By observing a few simple rules, they say, the risk of accident can be greatly reduced. The main principle is to never anticipate what's over the crest of a dune. The wind is constantly reshaping the profiles of the dunes, often leaving near vertical drops of several metres. These drop-offs are the most common cause of injury, accounting for 34% of injuries in 2006. The other principle is to always be aware of other vehicles around, and to take special care around junior riders.</p>
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⁷⁸ Lancelin Off-Road Injuries 2006 – Wheatbelt Public Health Unit

Anecdotally, it seems that those who come to grief most often are those new to the area. This is to some extent borne out in the Lancelin Injury Research which recorded that 46% of people injured in 2006 were riding someone else's bike, and 21% of people were riding a new bike. The significance of this is twofold:

1. It suggests the need for a better form of 'induction' program or communication of the specific risks associated with the area to first time visitors.

2. It suggests that the vast majority of the people who visit Lancelin on a regular basis (and some have been coming to the area for 20 years or more) can enjoy the area within a more acceptable level of risk.

It is also worth noting that the injuries recorded by Silver Chain have been relatively stable since the current form of recording began in 2001, despite the substantial increase in ORV use over that period. There were 68 recorded injuries in 2006 compared with the average over the period 2002 – 2006 of 66.

Various strategies have been adopted since the Health Department first convened a meeting of stakeholders in 1994. In 1997 the Lancelin Off-Road Management Group drew up a Management Plan that included reducing the size of the area, constructing a fenced road to the car park, installing additional warning signs and publication of printed material informing users of the area as to the permitted area boundaries, dangers specific to off-road vehicle usage in the area and responsibilities of persons operating off-road vehicles.

The recommendations were progressively implemented as funding allowed, but it seems that the momentum for improvement of the area waned over the years.

Risk

Regrettably, a couple of riders who have been injured at Lancelin have attempted to take legal action against Gingin Shire under the Occupiers' Liability Act. This has triggered a motion from the Council to request temporary closure of the Lancelin ORV area to enable a Management Plan to be developed for the area.

Under the provisions of the Control of Vehicles (Off Road Areas) Act, the local shire takes control and legal responsibility for the proclaimed areas within their shire. Gingin Council, not unreasonably, is not prepared to shoulder the burden alone. Irrespective of the outcome of such cases, and it is to be hoped that the provisions of the Civil Liabilities Amendment Act 2003 will provide adequate protection, the time taken in preparing defence material, appearing in court and attending to the many administrative matters arising is a significant concern for the CEO and other Shire staff.

Compliance

Since 1996 the Lancelin ORV area has been patrolled by a Shire Ranger on weekends and public holidays. The Ranger takes a zero tolerance approach to the wearing of helmets, but generally takes a 'guide and

	<p>inform' approach to keeping riders within the boundaries of the ORV area. Enforcement of Off Road Vehicle registration appears to be inconsistently applied, and it seems that this may be used as a controlling mechanism, by turning away unregistered vehicles only on the busiest days such as long weekends.</p> <p>Given the Shire's limited resources, the hours of patrol are limited. The Shire has received numerous resident complaints about unregistered bikes and quads being ridden through Lancelin streets, as well as noise in early mornings and late at night. It is not known whether these noise complaints relate to vehicles operating inside or outside the ORV area itself.</p> <p>Other concerns arise from groups camping in the ORV area, with associated issues of alcohol consumption and anti-social behaviour. A commercial trail and quad bike hire operator has been based at the Lancelin off road vehicle area for several years.</p>
Preclusions	<p>Liability concerns held by Gingin Shire</p> <p>noise complaints from local residents</p> <p>difficulty of containing ORV use to the designated area</p>
Potential	<p>Gingin Shire is most reluctant to continue operating the facility under the current arrangements and is applying pressure on the State Government to ease the legal and management burden. The Shire's view is that the Lancelin ORV area is a facility that is both used by and required for residents of the greater Perth area and it is not equitable for a Shire the size of Gingin (population 4,405)⁷⁹ to have to operate the facility without any outside support.</p> <p>A Risk Assessment and Management Plan is likely to be developed and this will inform decisions on the future of the facility.</p> <p>Potential outcomes include:</p> <ol style="list-style-type: none"> 1. Gingin Shire continues to operate the facility with strengthened risk warnings and a management plan approved by the Shire's insurers 2. Liability risk is taken over by State Government, Gingin Shire continues to manage day to day operations. 3. Area is leased to a club or commercial operator who takes on liability risk 4. Area is de-gazetted as an ORV Area. <p>There are several reasons why significant effort should be put into keeping the Lancelin area open:</p> <ol style="list-style-type: none"> 1. The large number of recreational trail bike and quad riders who use and enjoy the area, 2. The economic benefit that the Lancelin business community derives from it 3. The impact on other designated ORV areas – and areas that

⁷⁹ Australian Bureau of Statistics 2002

	<p>are not considered suitable for off-road vehicle use - if current Lancelin users are forced to ride elsewhere.</p> <p>A safer, sustainable Lancelin ORV area could be a user-pays facility with broadly designated zones for different levels of rider, basic facilities such as shelters and toilets, and better segmentation between riding and non-riding areas. Given the strength of feeling that the regular users have for the area it is likely that an effective 'community of interest' could be developed among riders.</p> <p>Until the liability and management responsibility issue is resolved, however, it is difficult to see how such capital improvements and intensive management will be funded or which entity will take overall control.</p>
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Name	Ledge Point ORV Area
Location	Ledge Point -31.094911, 115.406141 115km by road from Perth
LGA	Gingin
Approx Area	12.5Ha
Status	Designated ORV Area – Motorcycles only - All sizes
Terrain	Soft sand – MX style tracks
Facilities	None
Maintenance	?
Description	Just south of Lancelin, the Ledge Point ORV area is more suited to those who want to practice motocross skills on a sandy track.
Preclusions	None current, however this area is likely to be impacted by any decisions affecting the Lancelin ORV area
Potential	Provides an alternative MX-style experience to that of Lancelin.

Name	Gnangara ORV Area
Location	Cnr Centre Way and Gnangara Rds Lexia -31.795452, 115.915375 34.5km by road from Perth CBD
LGA	City of Wanneroo – Under DEC control
Approx Area	225Ha
Status	Designated ORV Area – a) Motorcycles <125cc b) Motorcycles >125cc
Terrain	Pine forest, sandy
Facilities	None
Maintenance	None
Description	Gnangara is the major off road vehicle area within the Perth metropolitan region. The area is DEC land and it is understood that at the time of

proclamation as an off road vehicle area the intention was for the City of Swan to manage the facility.

Gnangara was established with good intentions but little planning and appears to have been basically ignored for a decade or more. As a result the place is in an appalling state. Rubbish is strewn all over (truckloads of building rubble and old household appliances, not just drink cans), the myriad tracks are boggy and whooped out, and the main access road, Centre Way, is in such a deplorable condition that most visitors park as close as possible to Gnangara Rd, creating congestion in the South East corner of the facility and leaving the remaining 90% sparsely used.

It is testimony only to the desperation of riders for a legal venue that so many of them utilise this area.

Safety

Unlike Lancelin, no specific records of injuries are maintained for the Gnangara off road vehicle area. There have over the years been a number of fatalities and serious injuries.

Pine plantations have some inherent risks. Most significant is the network of fast straight tracks going both north-south and east-west. This creates a criss-crossing grid with a high risk of collision. In the more densely treed areas this problem is exacerbated by poor sight-lines of upcoming intersections.

Tree roots and stumps pose a natural hazard, but of more significance and concern to riders are half-buried obstacles such as old car springs and other metal objects.

The sandy nature of the soil means that tracks quickly become boggy and 'whooped out'. This creates challenging riding for the more experienced rider on larger more powerful bikes, but is no fun for novice riders or those on smaller wheeled machines. As a result much of the riding at Gnangara does not occur within the pine forests themselves but on the main limestone access road (Centre Way) that runs along the eastern perimeter of the area.

It is common to see motorcycles of all sizes and ages, quad bikes, four-wheel drives and buggies tearing up and down this roadway at high speed. Many trail bike and quad riders do not wear helmets or other safety gear, and the carrying of pillion passengers is common (usually on motorcycles with no pillion foot pegs).

The most recent fatality occurred when a rider lost control on the limestone road and fell from his motorcycle. He was not wearing a helmet.

Risk

There are no apparent warning signs on entry to the area – in fact no signage to even indicate that the area is an Off-Road Vehicle area. One conclusion that can be drawn is that by not undertaking any maintenance of the area, or attempting to enforce levels of acceptable

	<p>behaviour, or even recognising the existence of the area by signage, the occupier of the land is distancing themselves from the activities undertaken within the area and thereby reducing the 'proximity' that is one test of a duty of care.</p> <p>However Gnangara is an officially proclaimed Off Road Vehicle Area under the Control of Vehicles (Off Road Areas) Act 1978 and is promoted by the Department of Local Government and Regional Development as such.</p> <p>In the context of the Civil Liabilities Amendment Act, it would be difficult for DEC and / or the City of Swan to mount a defence against 'reckless disregard for safety', given the lack of any evidence to the contrary.</p> <p>Compliance</p> <p>The Gnangara ORV area has been gazetted in two areas – motorcycles less than 125cc and motorcycles greater than 125cc. In practice this is an impractical classification because it would prevent, for example, families riding together. But irrespective of engine capacity, the area is gazetted for motorcycles, <u>not</u> buggies and four wheel drives.</p> <p>Unlike Lancelin, where regular Ranger presence enforces wearing of helmets, encourages (and sometimes enforces) ORV Registration and provides information about area boundaries, there is no Ranger presence (or any other authority) at Gnangara. As a result there is no guidance provided to users of the area and this has resulted in a predictable state of anarchy prevailing.</p> <p>Few vehicles are ORV-registered, safety equipment is often not worn, and the riding at speed through the access road is a major safety risk to participants and the public.</p> <p>Access at night by vandals, hoons and car thieves poses a major problem.</p>
Preclusions	Future culling of the pine plantations to reduce stress on the Gnangara mound water source could reduce available area for ORV use.
Potential	The area is well located to service the northern suburbs and is large enough to properly accommodate many times more motorcycles than currently. With proper planning and suitable investment, Gnangara could be developed into an attractive facility.

Name	Pinjar ORV Area
Location	Wattleup Rd Pinjar (Opposite Wanneroo Raceway) -31.65955496536633,115.7920789718628 40.6km by road from Perth CBD
LGA	City of Wanneroo
Approx Area	250 Ha
Status	Designated ORV Area – a) Motorcycles <125cc b) Motorcycles >125cc
Terrain	Pine forest, sandy

Facilities	None
Maintenance	None
Description	<p>Pinjar is a very similar area to Gnangara, but it is less well known and therefore less heavily used. It is also much less polluted, although it seems that wherever there is a trail leading into a forest some idiot will dump a trailer-load of rubbish.</p> <p>Pinjar has a major advantage over Gnangara in that it is bounded on three sides by sealed roads. This would provide opportunities for the creation of zoned areas to suit different purposes.</p> <p>It suffers from the same problem of the sandy conditions leading to a more than desirable amount of riding occurring on the limestone access roads.</p> <p>Safety No injury records have been maintained for the Pinjar area.</p> <p>Risk The area is sign-posted as an Off Road Vehicle area, but there are no obvious Risk Warnings at the entry points.</p> <p>Compliance There is little or no evidence of Ranger patrol and few vehicles appear to be ORV-registered. General (and limited) observations indicate a generally higher level of rider responsibility than Gnangara.</p>
Preclusions	The Gnangara Park Concept Plan has flagged the possible closure of the Pinjar ORV Area to consolidate ORV use into Gnangara. Current status of this has not been determined.
Potential	Given the sealed road access and generally better condition, Pinjar has greater potential for development into a planned and managed facility than does Gnangara.

Name	York ORV Area
Location	Spencer's Brook Road, York -31.859699, 116.779434 101 km by road from Perth CBD
LGA	York
Approx Area	2 Ha
Status	Designated ORV Area – Motorcycle all sizes
Terrain	Hard packed clay surface
Facilities	Small car park, picnic bench, bio-toilet, rubbish bin
Maintenance	The track is graded 2-3 times a year, a task that takes approximately 1.5 hours. Toilets are cleaned and rubbish bin emptied once a week. No other maintenance required. ⁸⁰

⁸⁰ Peter Strickland – Works Supervisor

Description	<p>The York ORV area is a small motocross-style facility made available by the Shire of York. It has operated without problems for several years and was officially proclaimed as an Off Road Vehicle Area in September 2006.</p> <p>Its original intention was to divert trail bike use from the Mt Brown Class A reserve, and it has had a positive effect in this regard.⁸¹</p> <p>The track receives little maintenance attention, but because it is hard-packed dirt it holds its condition better than sand surfaces.</p> <p>Safety</p> <p>York Council is not aware of any serious injuries occurring at the facility. The majority of the track is visible from the car park area, making it suitable for parental supervision of younger riders.</p> <p>Risk</p> <p>A general risk warning is prominent at the entry to the facility.</p> <p>Compliance</p> <p>Other than graffiti covering the Risk Warning sign the area appears well cared for by users. There is no significant litter, the bio-toilet has not been trashed and the small car parking area is not subject to abuse. The majority of riders observed wear helmets and protective gear and there is a general sense of order in the place in that when younger riders venture out onto the track the older faster riders come in and vice versa.</p> <p>Few bikes have ORV Registration and there does not appear to be any attempt to enforce or even encourage this. Rangers take a light touch to the area, with no official patrols and no perceived need.</p> <p>The Shire even tolerates riders using the nearby railway reserve to access the track.</p>
Preclusions	<p>The facility is situated directly opposite a residential area so noise issues could be a future concern.</p> <p>The small size of the area places a constraint on the safe number of vehicles, and this could become problematic if more Perth riders are directed there by Rangers.</p>
Potential	<p>Serves as a model of how a small scale facility can be successfully operated with minimal management input.</p> <p>Has some potential for further development by creating separate areas for children and a short single track trail ride loop may also be possible by using land earmarked for a future extension of the adjacent waste management facility.</p> <p>It would be disappointing if this area were to be negatively impacted by excessive use created by a lack of similar facilities in Perth.</p>

⁸¹ Angela Plichota – Ranger Services

Name	Medina (Thomas Rd)
Location	Corner Thomas Rd and Rockingham Rds Medina -32.226053,115.791821 37.5km by road from Perth CBD
LGA	Town of Kwinana
Approx Area	20 ha
Status	Designated ORV Area – Motorcycles <125cc Temporarily closed in July 2006 Council voted to request permanent closure October 2007
Terrain	Combination sandy and hard pack with substantial limestone cap-rock
Facilities	None
Maintenance	None
Description	<p>The designated ORV area is located in the northern portion of a relatively large area of bushland bounded by Thomas Road and Rockingham Road.</p> <p>A proposed controlled access highway reserve runs down the eastern edge and encroaches by 160 m at the southern boundary.</p> <p>Town of Kwinana estimates that the area is used by approximately 1500 bikes per annum, mainly on weekends and public holidays. Other than a cleared area for car parking and unloading there are no apparent built features nor is there any visible attempt to create designated tracks or trails within the area or safer one way routes. The bushland south of the designated area is also used by riders. Soil composition is less sandy and there is less limestone caprock. Generally the riding experience is better in the area south of the designated area than within the designated area itself.</p> <p>In 2004, the Council of the Town of Kwinana expressed concerns over the future viability of the area under Council control and called for expressions of interest from commercial providers to take over the area.</p> <p>When no firm commercial interest was received (and it should be noted that the Council itself held low expectations of receiving any) the Council closed the area in July 2006 and essentially hand-balled the issue to the DLGRD.</p> <p>Council provided the following rationale for handing back control to DLGRD:</p> <ol style="list-style-type: none"> 1. ORV area is utilised by a high percentage of user who reside outside the Town of Kwinana and hence should be considered and operated as a regional facility. 2. Town of Kwinana considers that it doesn't have the physical or financial resources to effectively manage the operational risks associated with the facility to an acceptable safety standard. 3. The area is only gazetted for bikes up to 125cc and the Town of Kwinana is concerned at the cost of checking trail bikes for compliance with size and safety requirements.

	<p>4. No clearly defined boundaries results in riders often leaving the designated area and riding through adjacent bushland around the Chalk Hill area, causing significant damage to the environment.</p> <p>5. Ongoing maintenance of the car park signs, regular checks of the track and removal of rubbish is costly.</p> <p>6. Adequate toilet facilities will need to be considered if the facility is to remain open. Costs for cleaning and vandalism must be factored in.</p> <p>7. Dust and noise can be a problem (no specific details provided).</p> <p>8. Illegal trail bike riders will probably continue to use 'across town' routes to get to the facility, including riding across Council's ovals in Medina.</p> <p>The Council of the Town of Kwinana also acknowledged the following benefits of the facility:</p> <ol style="list-style-type: none"> 1. It would be an ideal location for trail bike riding if properly operated 2. There are no other public ORV areas within the southern metropolitan area. 3. A well set up facility could attract major events. 4. The facility would minimise the impact on other areas. <p>In October 2006 the Off Road Vehicle Advisory Committee called for expressions of interest for a commercial operator or club to take over the management of the facility under lease. Three responses were received, and the Town of Kwinana met with one of those respondents. Those meetings 'indicated that they had significant experience in similar types of operations and were able to secure the necessary approvals, clearances and insurance coverage to enable such a facility to be properly managed.' (Council Minutes: 2/10/07).</p> <p>Despite this, the Council concluded that the EOI process was lacking in its request for detail and 'it cannot be reasonably concluded that any of the parties who lodged through the former EOI have [the necessary] qualifications or capabilities'.</p> <p>The Off Road Vehicle Advisory Committee subsequently withdrew from the process of identifying a potential operator for the facility when it was learned that they had no authority over the land. This dropped the process back to the Town of Kwinana who elected not to pursue a more detailed EOI, or to follow up directly with other respondents to the EOI or to (apparently) seek any further advice on the management requirements or options for the area.</p> <p>On October 2 2007 Council voted to request permanent closure of the facility.</p> <p>The closure has created significant problems for ARG, the company that operates the rail depot adjacent to the ORV Area, as many riders who used to ride in the ORV area now ride illegally on the private property. And it means that there is now no designated ORV area south of Gnangara.</p>
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Preclusions	Residential areas within 1km to the east of the area. Complaints have been received from residents about the noise of the Kwinana Motorplex, prompting concerns that the ORV area might also create noise problems. Further investigation required to determine whether noise complaints from Motorplex are confined to drag racing activities (which would generate much more noise than an ORV area). Australian Railroads Group operates the rail freight facility to the south-western side of the area and would need assurances that ORV activities would be confined to agreed boundaries.
Potential	The Medina facility is well situated and could be developed into an effective ORV area. Given the urgent need for ORV facilities in the southern suburbs, the Medina facility should be seriously considered for retention.

Name	Metro Road
Location	Metro Rd, off Brookton Hwy, south to McCallum Rd -32.27748167858418,116.4525032043457 75km by road from Perth CBD
LGA	Beverley
Approx Area	5,000 Ha +
Status	State Forest – Flint Block, Gibbs Block (part)
Terrain	Sandy tracks, pea gravel, hard packed, single trail
Facilities	None
Maintenance	N/A
Description	Metro Road is a State Forest area, so legal riding can take place if bikes are registered and remain on the formed roads. The majority of riding occurs to the eastern side of Metro Rd, approximately 5km south of Brookton Highway, outside the water catchment boundaries, however much of the riding occurs on former enduro trails and other existing minor and single-track trails. The area is popular area for trail and quad bike riding, as it is relatively close to Perth and there is a variety of riding experiences to be enjoyed. There are several large areas for car parking and supervised junior riding. The terrain beyond the parking areas can be challenging for novice riders, consisting of sandy trails that have become severely ‘whooped out’ over the years of unmaintained use.
Preclusions	Serpentine Dam catchment area (north and west of Metro Rd) Proposed Conservation Park encroaches on the eastern side.
Potential	This area has been identified as having potential for development as an ORV area for motorcycles and quads. With some repair work on existing trails and the development of a planned trails network that avoided the water catchment and conservation park areas an extensive and satisfying area could be created.

Name	Barton's Mill
Location	Pickering Brook -32.05740896411302,116.20919466018677 43km by road from Perth CBD
LGA	Kalamunda
Approx Area	6Ha + many trails over several thousand Ha
Status	Unregistered not permitted, Registered OK on formed roads
Terrain	Pea gravel
Facilities	None
Maintenance	N/A
Description	The open areas of the old Barton's Mill prison are a popular riding spot for quad riders. The many trails in the region are popular for riders of registered and unregistered trail bikes.
Preclusions	Disease Risk Area, Water Catchment
Potential	Not likely under current regulations

Name	Flynn Road / Gorrie Road
Location	Flynn Rd / Gorrie Rd Chidlow -31.924703,116.348991 56km by road from Perth CBD
LGA	Mundaring
Approx Area	1,000Ha
Status	Not permitted
Terrain	Gravel and hard packed trails, some pine forest
Facilities	None
Maintenance	N/A
Description	This area has many trails of varying types and has been used by trail riders for many years. Recently Water Corp has been more stringently enforcing water catchment prohibitions.
Preclusions	Water Catchment Area, Water Corporation ownership, Disease Risk Area (parts)
Potential	Would be an ideal area to develop a managed ORV facility, but not likely under current regulations.

Name	Abernethy Rd
Location	Abenethy Rd Kewdale -31.972551,115.983953 17km by road from Perth CBD

LGA	?
Approx Area	12 Ha (excluding old MX track)
Status	Not permitted
Terrain	Flat, combination sandy and hard pack
Facilities	None
Maintenance	None
Description	Future industrial land, controlled by PTA and used regularly. Recently some small jumps have been created with sand brought onto the site. Area is adjacent to former Motocross track which allegedly was forced to close when Westralia Airports Corporation asked for commercial rental rates for the land.
Preclusions	Some complaints from nearby businesses from riders riding across lawns to access the area.
Potential	Has significant potential for a York-style ORV area with separate regions for juniors.

Name	Pippidinny / Alkimos
Location	Pippidinny Rd / Romeo Rd Alkimos -31.583142,115.648956 54km by road from Perth CBD
LGA	City of Wanneroo
Approx Area	1,500Ha +
Status	Not permitted
Terrain	Sandy trails and open freestyle areas. Some limestone cap-rock
Facilities	None
Maintenance	None
Description	Pippidinny Rd is well north of the approaching residential roll-out. It has been a popular riding area for some years and consists of a network of sandy tracks and open sandy bowls. Riders struggle to understand why the area is off-limits when in a few years the bulldozers will level the place for residential development.
Preclusions	According to DPI the land has now been alienated and is in the hands of a private developer.
Potential	Any approach to the landowner to allow ORV use on the land would need to address liability / risk issues.

Name	Wanneroo Tip
Location	Pinjar Rd, Wanneroo -31.672969,115.813183 39km by road from Perth CBD
LGA	City of Wanneroo
Approx Area	23Ha

Status	Not permitted
Terrain	Flat grass
Facilities	None
Maintenance	N/A
Description	Old Wanneroo tip site, popular for quads and younger riders as riding area is flat and obstacle-free.
Preclusions	None apparent, other than proximity of Pinjar ORV area within 1km
Potential	Yet to be determined. Site would be suitable for a Minikhana facility.

Name	Powerlines
Location	Sawyers Valley – Chidlow Sawyers Valley: -31.910787,116.192608 40km by road from Perth CBD
LGA	Mundaring
Approx Area	Length approx 25km
Status	OK for registered bikes (?)
Terrain	Pea gravel, coffee rock
Facilities	None
Maintenance	N/A
Description	A popular destination ride along the route favoured by 4WD drivers. Mostly not particularly interesting until the end in Chidlow or West Talbot where there is more interesting terrain and numerous tracks. Unfortunately, most of this more interesting terrain lies in water catchment or disease risk areas.
Preclusions	Water catchment area, some disease risk area
Potential	?

Name	Alcoa Rd / Jarrahdale
Location	Off Nettleton Rd Jarrahdale -32.296529,116.08665 68km by road from Perth CBD
LGA	Serpentine / Jarrahdale
Approx Area	2,000Ha +
Status	State Forest / Reclaimed Mining (Alcoa) land / Water catchment – Wungong and Canning, Wungong RPZ is close by.
Terrain	Pea gravel
Facilities	None
Maintenance	N/A
Description	Has some interesting flowing fire-trail style tracks between Nettlefor Rd and Albany Highway. Originally proposed to the Peel Working Group as a potential site for an ORV Area, Alcoa Rd is probably impractical under current water catchment zonings and regulations.

Preclusions	Water Catchment P2 / RPZ
Potential	Registered bikes OK on formed roads outside RPZ

Name	Pioneer Park Forrestfield
Location	Pioneer Park Forrestfield, off Roe Highway -31.98329,115.994865 18km by road from Perth CBD
LGA	Kalamunda
Approx Area	24Ha
Status	Not permitted
Terrain	Former tip site. Combination sand and hard pack
Facilities	None
Maintenance	N/A
Description	An area used by locals who often leave the tip site and ride over the grass ovals of the adjacent sporting complex, creating damage and nuisance.
Preclusions	Adjacent to residential area Operating methane(?) plant
Potential	Potential for a low key juniors area or Minikhana facility

Name	Skeet Road
Location	Skeet Road Canning Vale -32.121327658131435,115.94443917274475 34km by road from Perth CBD
LGA	
Approx Area	200Ha
Status	Not yet determined
Terrain	Not yet assessed
Facilities	None
Maintenance	N/A
Description	Not yet assessed
Preclusions	Not yet assessed
Potential	Not yet assessed

Name	Twelfth Rd Armadale
Location	Twelfth Rd Armadale -32.155804,115.968493 32km by road from Perth CBD
LGA	
Approx Area	2.4 Ha
Status	Not yet assessed

Terrain	Not yet assessed
Facilities	None
Maintenance	N/A
Description	Not yet assessed
Preclusions	Not yet assessed
Potential	Not yet assessed

Name	Lancelin to Cervantes
Location	
LGA	Gingin
Approx Area	Distance – approx 70km
Status	Public track – Registered / Licenced OK
Terrain	Sandy and hard pack trails, limestone caprock, beach
Facilities	At Lancelin and Cervantes
Maintenance	?
Description	A popular ‘destination’ ride
Preclusions	Track is busy with 4WD vehicles on weekends – high collision risk
Potential	Explore opportunity to designate a route using trails that can be designated for trail bike / quad use only. Ideally a north route and a separate south route. Potential to develop as a designated ORV Route. New coastal highway construction could create some possibilities.

Name	North Bannister
Location	Wearne Rd / North Bannister Rd, North Bannister – north to Pikes Rd -32.58356003998394,116.44692420959472 Approx 102km by road from Perth CBD
LGA	Wandering
Approx Area	5,000 Ha +
Status	State Forest
Terrain	Not yet surveyed
Facilities	None on site but North Bannister roadhouse is nearby.
Maintenance	N/A
Description	Former enduro tracks are proving an attractant to riders, prompting community concerns about environmental degradation.
Preclusions	Proposed conservation park on south eastern edge Private property would require adequate noise buffer
Potential	Explore potential for continued use of existing trails by registered / licenced bikes if environmental and noise issues can be addressed. Explore potential to develop a single trail loop between Brookton Highway and Albany Highway (for registered bikes), avoiding water catchment, DRA and conservation park areas, and providing adequate buffer to private property.

Name	Wedge Island
Location	Wedge Island via Lancelin -30.818857,115.190749
LGA	Gingin
Approx Area	
Status	
Terrain	Sand dunes, beach and packed sand trails
Facilities	None
Maintenance	?
Description	Wedge Island is a popular fishing and holiday destination. The locals have raised concerns over the increasing number of quad and trail bikes using the area and the uncontrolled impact on the environment and safety. Trail riders pass through Wedge on the Lancelin – Cervantes route but more research is indicated to better understand how this areas is being used and who is causing the damage.
Preclusions	
Potential	

Name	Happy Valley – Jarrahwood
Location	Between Capel-Donnybrook rd and Vasse Highway -33.639204, 115.671272 240km by road from Perth CBD
LGA	Capel
Approx Area	25,000Ha
Status	State Forest
Terrain	Gravel and hardpack tracks and single-trail, pine forests
Facilities	None
Maintenance	N/A
Description	A large area with hundred of kilometres of trails, including pine plantations with firmer soil composition than those found in the metropolitan region. The northern portion is the site of the annual Capel 200 recreational trail bike ride.
Preclusions	None apparent – would need to manage for long term sustainability
Potential	Significant potential for managed trail bike riding

Name	Nannup / Bailingup / Greenbushes / Kirup
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Location	South West
LGA	
Approx Area	
Status	OK for registered trail bikes on public roads
Terrain	Hills, old logging tracks
Facilities	At local towns and wineries
Maintenance	N/A
Description	Some of the best destination trail riding in Australia can be found in the south west of Western Australia. A combination of a network of logging and management tracks, fire trails (typically category 1 and 2 DEC-managed roads) plus the natural beauty and spectacular views provide variety and opportunity to suit a wide range of styles and abilities.
Preclusions	Preservation of the environment is key to sustainable use in the long term. Some planning required to provide separation of uses and avoid trails conflict.
Potential	Tourism development potential and economic inflow to smaller SW towns such as Kirup and Greenbushes.

Name	Potential Commercial
Location	Adelaide St Maid Vale @-31.93017510747091,116.01695537567138 19km by road from Perth CBD
LGA	
Approx Area	12Ha
Status	Privately leased, lessee exploring options of commercialising. Currently made available to friends
Terrain	One small hard sand area suitable for a MX practice circuit, larger hard packed areas suitable for beginners / quads.
Facilities	None current
Maintenance	Regularly graded and is lightly groomed on a daily basis
Description	The lessee of the area is a passionate quad bike rider who is keen to explore the opportunity to develop the area into a small quad and MX practice facility. Currently stymied by inability to obtain PL insurance cover for quad bikes. At the southern end is a former sand quarry, in which a small but interesting practice MX track has been crafted. The northern end is flatter and could accommodate junior circuits. Between the two is a large expanse which is a former construction rubble dumping site. Large slabs of concrete protruding through the surface may render this unsuitable for use.

Preclusions	Residential areas within a 1km radius but Roe Highway adjacent and natural walls of sand pit may alleviate noise concerns.
Potential	If development proceeds this could become a useful, albeit relatively low capacity facility.

Other areas identified by riders as locations where significant trail bike riding occurs but which were not explored in this document include:

Logue Brook Dam

Collie and surrounds

Dwellingup and surrounds

Waroona Dam

Lake Clifton

Baldivis

PART 2: REPORTED 'HOT SPOT' PROBLEM AREAS

The following list of 'hot spot' areas was submitted by respondents to the Community Survey. This is not intended to be a complete list of areas where trail bikes give rise to complaints, nor does it necessarily mean that every concern submitted was the product of illegal activity.

It does, however, indicate that community concern is widespread throughout the metropolitan area and greatest in the outer lying suburbs, especially in the foothills and hills areas.

Albany - Muttonbird 4WD reserve
Allanson – Railway reserves, Rose Rd, Worsley Back Rd
Araluen botanical park
Armadale – Railway line between Armadale and Byford
Avon Valley – National Park
Bakers Hill – Carlin Valley, Shingle Hill Rd, Valencia Lane
Balcatta - Grindford Rd., Graham Burkett Reserve Richard Guelfi Reserve on Delawney Street
Balcatta - Rickman Delawney Reserve on Rickman Street
Baldivis - explosives surrounding area on stake hill road at present becoming a quarry
Baldivis/Serpentine - along river and in pine forrest
Balga - Brian Burke Reserve on Princess Road Celebration Park on Rochester Circle
Banjup - Denis De Young Reserve, Liddlelow Rd
Bedforddale - Armadale Settlers Common Reserve - Settlers Rd North Road, Old Haulpak Rd
Bedforddale - Bungendore Park - Albany Highway **entry mostly from Wungong Gorge
Bedforddale - Waterwheel Road
Bickley - Munda Biddi Trail, State forest, Water Catchment Area
Binningup – Beach, south to Buffalo Rd
Boddington
Brigadoon - Boulonnais Dr and around the dams there, Orlove and Fallebella trails, Bells Rapids
Brigadoon - Bridle Trails and Joshua Mews, Fabella and Orlov trails State Equestrian Centre
Brookdale - land area between Twelfth Road and Waterworks Road
Bulla – Rivermouth
Bullsbrook - The village area of the old town site, Burley Park
Bunbury – Coastal dunes, Hartley Anderson Park, Maiden Park Reserve
Byford - Admiral Road, off Nettleton Road
Canning Vale – Next to Metro Brick, Armadale Rd
Cape Burney – Beach, Greenough rivermouth
Carine - Carine Open Space

Carmel - Canning Road, Mabel Rd, Moffet Rd, Pomeroy Rd, Welshpool Rd East
 Chidlow - Along the bridle path everywhere from Chidlow to Mundaring and beyond in both directions.
 Chidlow - Flynn Rd /Yarra Rd, Gorrie Rd, Talbot Rd off Great Eastern Hwy Jordan, Leith and Tarrup Roads
 Cockburn - Bushland next to Manning Park, between South Fremantle and Cockburn.
 Coral Bay – Coastal areas
 Dalyellup- Bushland tracks
 Dardanup, mountain bike trial off Pile Rd
 Darlington - Bridle Path between Owen Road and Sandover Road, between Lionel Rd and Bilgoman Rds
 Darlington - Coulston Road, Harold Street Reserve
 Dawesville – Fernwood Rd
 D'Entrecasteaux National Park
 Dinninup – Boyup Brook / Dinninup
 Donnelly – Greater Hawke National Park
 Drummond Cove – beach, bayside
 Dwellingup - Turner Hill mtb track, golf course, Marrinup campsite, Pinjarra-Williams rd, Oro rd
 Edgewater - yellagonga regional park
 Forrestdale Lake - Oxley Rd Forrestdale
 Forrestfield - Abernethy Road near Grogan Road and opposite CBH, Berkshire Road, Calluna Way
 Forrestfield - Dawson Avenue, Hartfield Park adjoining Tonkin Hwy, Under high voltage power lines
 Forrestfield - Reserve between Anderson Road-Moira Avenue-Lewis Road, Woodlupine Brook Hakea Court
 Geraldton – Beach areas, Seacrest Estate, Eakins Cres, Bosely St and Triton Place, Spalding Park
 Geraldton – Sunset Beach
 Gidgegannup - Ffarrington's block, Berry Reserve, Joseph and Cameron Rds
 Glen Forrest – Railway Reserve Heritage Trail, Ryecroft Rd, Burkinshaw Rd, Jellicoe Rd
 Gnanagara - knight rd, Lorian Rd, Facey Rd
 Golden Bay – McCarthy Park
 Gooseberry Hill - East end of Tregenna Rd in (Kalamunda)
 Gosnells – Jon Okey Davis park
 Gracetown - Firebreaks in the National park east and south
 Green Head – Dune areas, tracks between Little Anchorage and Green Head
 Greenmount – Greenmount Hill Reserve, John Forrest National Park
 Greenough – River foreshore, Mersely Skate Park
 Grey Shack community
 Gwelup - Lake Gwelup Reserve (Karrinyup Rd)
 Henley Brook - Henley Street, Horse trail between Samson court and Irwine Street, Lawson road
 Herne Hill - Darling Range Regional Park (old Pioneer Quarry), Hadrill road
 High Wycombe - Scott Reserve Newburn Road
 Hovea - Heritage trail near Falls Rd, Railway Reserve, Victoria and Falls Rd
 Jandakot Regional Park - Nicholson Rd opposite Talbot Rd Forrestdale/ Southern River
 Jane Brook – River reserve
 Jarrahdale - Langford Park
 John Forrest National Park, accessing from the northern end of Pechey Rd.
 Julimar – Forest west of Heine Rd,
 Jurien - All beaches and sand dunes between Jurien & Cervantes and Hill River
 Jurien Bay - Alta Mare & Jurien Bay Heights, Bashford Street , Seaward Dve, Marine Dve
 Jurien Bay - Sandy Cape Recreational Park, Drovers Cave National Park, Bee Keepers National Park
 Kalamunda - Little Ovens mtb trail near Mundaring rd, Maida Vale reserve, old railway line
 Kalamunda - Railway Line Reserve between Williams and Railway Roads
 Kalgoorlie - Epis Street
 Karnup - Paganoni Swamp Conservation Park
 Kelmscott - Lloyd Hughes Reserve - Canning Mills Rd
 Kojonup
 Kwinana – Bushland near golf course, railway marshalling yards, Wellard Rd, Kwinana Beach Rd
 Lake Adams Reserve - designated area for horses
 Lancelin – Back beach
 Lark Hill

Lesmurdie - Bushland near Paxwolds. End of Gilchrist Rd, Turner Grove
 Lesmurdie - Mabel Rd, Gilchrist Rd, Surrounding water catchment area
 Lower Chittering - Ayrshire Loop, Limousin Way
 Maida Vale - Between Roe Hwy and David Street
 Malmalling - Malmalling
 Mandurah - Lakelands development, Old Coast Road, Coodanup/ Dudley Park area
 Mandurah - Seascapes Development areas, Halls Head,
 Manjimup – Manjimup / Deanmill
 Manning Lake, Azelia Homestead
 Margaret River - 10 Mile brook walk trail - east of Barret St weir and west of town
 Margaret River - Rails to Trails reserves - both south of town and north all the way to Cowaramup
 Mariginiup - Greenvale Place, Lee-Steere Drive
 Mariginiup - Pine plantation - corner Neaves Road /Old Yanchep Road (formally Pinjar Road)
 Maylands - Gibbney Reserve, - riding on the park
 Merriwa - Kolan Elbow , Baltimore parade , Connolly drive , Dalvik Ave , Inman court, Jenolan way
 Merriwa - Parisdiso sreet, Palermo crt
 Metro Rd – South of Brookton Hwy
 Mirrabooka - homes west land not yet developed
 Mount Gungin down hill section.
 Mt Bike trails around the Dell and Gungin Gully
 Mt Dale – Mt Dale area
 Mt Helena - Alison St & DOLA reserve, pipeline
 Mt Helena - Neptune St St and surrounding bush (Leschenaultia Reserve & DOLA reserve)
 Mundaring - Parts of Little Oven / kalamunda circuit, strettel reserve, Darlington walk trail
 Mundaring - The bridle trails north of Fred Jacoby Park, Munda Bididi trail, Mt Gungin,
 Myalup – beach and pine plantation
 Nannup - Balingup Road, East Nannup Rd, Gold Gully Rd, Uranium Rd
 Narrogin around LIONS lookout and surrounding bush at rear of high school Grey Street
 Narrogin Foxes Lair nature reserve, Railway Dam off Mokine Road
 Nilgen and Wanagaren Nature Reserves
 Ningaloo Station – Winderabandi Point
 Nornalup – Boxhall Rd
 North Bannister – State forest
 North Yunderup - Culeenup Road, Tonkin Drive, Wilgie Creek walk / path
 Orange Grove - Old racetrack on Kelvin Road, gravel pit near the cnr Tonkin Hwy
 Parkerville - Brooking Rd, Owen Rd, Riley Rd, Carawatha Rd, Seaborne Rd,
 Peaceful Bay – Rame Head, Gap Track, Lost Beach Track, Foul Bay beach
 Pickering Brook - State Forrest, golf course, Kattamorta Track, Sala Rd
 Pinjarra – Moores Rd, Wisteria Ave
 Pipehead Dam – walking tracks
 Point Moore – foreshore, beaches and dunes
 Port Kennedy - Bayeaux Avenue, Golf Course, Resort
 Queens Park – Bush forever site
 Quinns to Two Rocks
 Redland Bay - Serpentine Creek Reserve
 Rockingham, especially near old rubbish tip and bushland adjacent to Safety Bay near train
 Roleystone - Mills and Canning Mills Road - and in the areas around Foxley place
 Sawyers Valley - Along Railway Terrace in between Sexton St and Great Eastern highway.
 Sawyers Valley - Helena Terrace above the bridle path,
 Secret Harbour – south towards Singleton
 Serpentine – Scarp Rd, Scrivener Rd
 Singleton – Cavender St, Sylvan Crt, Baudin Wa, Penson St, foreshore reserve, Singleton Beach
 Singleton – Murdoch Drive, Manders Way, Persus Way
 South Bay – new subdivision from Worthington St
 South Fremantle – Bushland next to Manning Park
 South Yunderup – Delta Drive

Stakehill – Woodland Parade, Serpentine River foreshore
 Stan Twight reserve
 Stratton – Farrell Rd, Toodyay Rd, parks
 Sullivan Rock – Walk trails
 Swan Track DAP CODE 5144 FID 19294 East of Northern Terminal 91KV line
 Trigg Bushland Reserve at the intersection of Karrinyup Road and Jeanes Road
 Tuart Forest National Park – Tuart Drive
 Two Rocks - Just North of Two Rocks
 Upper Swan - almeria park- and surrounding streets/rail reserve, Along railway line
 Waggrakine – Chapman River reserve
 Walliston – Old railway line
 Walpole – Hilltop and Giant Forests
 Wandina – Southgate sand dunes
 Warbrook Road and in sand area behind WA Hunt Club
 Warnbro - Park cnr Royal Palm and Eva Lynch, Community High School - Oval now fenced!
 Waroona - Bancell Rd
 Warroora Station – Warroora Station
 Warwick Open Space Conservation Area - bounded by Erindale, Warwick, Waneroo and Beach Rds
 Wedge island Settlement north of Lancelin
 Wellington National Park – Pile Rd, Mt Lennard Trails
 Whicher National Park – Sabina Rd
 Whiteman Park – Bushland surrounding Ellenbrook / Aveley / The Vines
 William Bay National Park – fire breaks, public access tracks
 Woodvale - perrys paddock,
 Wooroloo - Green Street, Jason St, bridle trail
 Wundowie – Naure reserve, old vanadium mine
 Wungong/Byford - Train track that crosses Eleventh and Thomas Rd, Wungong Dam, Rails Road
 Yanchepp – beaches, roads and cycleways
 Yeter Springs – Yeter Springs
 York - Helena Rd, Pony Rd, Mt Observation

A system to enable local residents, other trails users and other stakeholders to register ‘hot spots’ and other trail bike-related concerns for assessment and action is proposed as part of the Strategy.

APPENDIX 2: JUNIOR RIDERS' LICENCE

A sixteen year old motorcyclist, when accompanied by a driving instructor or other experienced rider, is entitled to ride his 250cc motorcycle at up to 100 km/h and to ride at any time, in any weather or traffic conditions on any public road except the Kwinana, Mitchell or Graham Farmer freeways.

A fifteen year old rider is not entitled to ride on the quietest public bush track, even if accompanied by an experienced rider.

This black and white system misses an opportunity to address one of the main contributing factors to the high rate of accident, injury and fatality amongst young drivers and riders.

A report commissioned by the WA Office of Road Safety⁸² highlighted that the high crash risk of young drivers reflects the effects of both youth and inexperience, however inexperience is by far the main contributing factor.

Crash rates have been shown to drop dramatically with increased driving mileage, however drivers delaying the attainment of their license to older ages have been found to have a similarly increased crash risk during the first 12 months of unsupervised driving. The great majority of crashes are attributable to underdeveloped cognitive-perceptual skills and over-estimation of ability coupled with underestimation of risk. Intentional risk-taking can also play a role, although it is not considered to be a contributing factor in the majority of cases.

What this suggests is that opportunities for young people to gain experience, particularly in the areas of cognitive perceptual skills and in mechanical aspects of vehicle control could play a role in reducing the incidence of young driver crashes. Trail bike riding provides an opportunity for children as young as eight years of age to gain valuable skills and experience and to form responsible attitudes to motor vehicle use that will carry forward when they come of age to obtain their road driver's licence.

While it is not suggested that young people should be specifically encouraged to ride motorcycles, those parents who do choose to let their children ride should be given opportunities to allow their children, under parental supervision, to experience riding in company and on diverse terrain.

Some supportive highlights of the report commissioned by the Office of Road Safety include:

- Gaining many hours of varied experience is the key protective factor, with this experience better achieved during private practice than professional instruction.

⁸² Review of Literature regarding National and International Young Driver Training Licensing and Regulatory Systems – Monash University Accident Research Centre, report no. 239, June 2005

- Learning to drive generally commences during adolescence: a developmental stage characterised by increasing independence from parents and an increasing need for acceptance among peers (Senserrick 2003)
- The great majority of young driver crashes are attributable to inexperience: errors in attention, visual search, speed relative to conditions, hazard recognition and emergency manoeuvres. (McKnight and McKnight 2003)
- Hazard perception is the ability to perceive and identify specific hazards in the driving environment. It is a complex task that potentially takes decades to develop to an optimal level. (Evans, 1991)
- While theoretical knowledge is relatively simple and quick to learn, competency and physical actions and attitudes involves a long term learning process. (Leutner and Bruenken 2002)
- Driver training methods that not only identify risk but also allow young drivers to actually experienced risk, associated emotions and personal shortcomings are more effective.
- To be most effective, programs should be incorporated into a graduated driver licensing system and the role of parents maximised.
- Programs that are situated within a graduated licencing system allow longevity of training was staged increments in complexity as drivers progress from safer driving conditions to greater levels of risk.
- The supervised learner period is the safest time to gain driving experience
- Lowering the minimum learner age is one way of extending the supervised learner period. In Sweden, the minimum learner age was reduced from 17.5 years to 16 years, resulting in a 15% reduction in crash risk for newly licensed drivers.
- At a conceptual level a minimum number of hours should represent a time period that will allow novices to learn basic essential skills and subsequently decreased their mental load when carrying out those skills. By decreasing mental workload drivers are increasing automatic processes, which essentially allows them to devote more of their conscious attention to hire-order skills, with less complex skills requiring less mental effort.
- Rather than apply speed restrictions for learner drivers, which can preclude learner drivers from gaining experience on country roads, a better way to minimise the concerns held towards speed for learners would be to require that driving commence on low speed roads and then progress to high-speed roads once learners acquired sufficient practice.

In a separate study on motorcycle-specific issues by Monash University's Accident Research Centre⁸³ acknowledgement was given to the fact that vehicle control skills may be a more important aspect of

⁸³ Hazard Perception and Responding by Motorcyclists – Summary of Background, Literature review and Training Methods, Report no. 234, May 2005

hazard response for motorcycle riders than for car drivers. This was supported in a Norwegian study (Tronsmoen) that stated:

It seems obvious that safe motorcycle driving demands adequate driving skills. However, a motorcyclist needs other bodily skills than a car driver since he or she is dependent on his or her balance, liveness and driving skills. The motorcyclist also needs perception of how the vehicle performs, its reaction on acceleration and deceleration, turning, weight balance, etc. The term "motorcycle manoeuvring skills" is a brief term for all of these.

The concept of a junior riders' licence creates opportunities for an extended learning period under close adult supervision. Specifically it recognises:

- the coordination and control skills that 21st-century children regularly demonstrate through their skill in computer games,
- the value that motor vehicle skills acquisition over a long period of time can deliver in terms of greater preparedness when the time comes to obtain a full road learner's permit
- the importance of gaining experience in widely varied and sometimes challenging terrain conditions
- the value of close parental supervision during the early learning process - and in particular at a time when parental influence is not diminished by adolescence.
- the value of inculcating an early appreciation of protective equipment, including gloves and boots helmets and body armour.
- The greater proximity that riding a motorcycle has to driving a motor vehicle than riding a bicycle
- that recreational trail bike riding is increasingly a family pursuit however the opportunities to engage in a suitable environment are currently severely limited.
- That responsible trail bike riding involves more than vehicle skills and includes an appreciation of protecting the environment, minimising noise, respecting the rights of other trails users and avoiding antisocial behaviour.

In practice the junior riders licence could enable children who are not yet legally able to obtain a full riders licence to ride on a subset of designated forest trails whilst on motorcycles approved for their age group and in the company of a parent or responsible adult.

The following extract from the State of Colorado Off-Highway Vehicles Regulations expresses this idea:

b. Where the State, the United States, or any agency thereof, has designated any public street, road, or highway of this state open to off-highway vehicles or where local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city streets or county roads pursuant to the authority granted in C.R.S. 33-14.5-108(1), no person under the age of ten years may operate an off-highway vehicle on such public street, road, or highway of this state or on such city street or

county road. No person ten years of age or older may operate an off-highway vehicle on such public street, road, or highway of this state or on such city street or county road unless:

1. The person has in his possession a valid driver's license issued by the State of Colorado or another state; or

2. The person is accompanied by and under the immediate supervision of a person who has in his possession a valid driver's license issued by the State of Colorado or another state. The phrase "under immediate supervision" shall mean that, at a minimum, the unlicensed operator is within direct visual contact of the licensed supervisor.

Having regard to the competence of younger riders and the importance of adult (preferably parental) supervision we would modify this to enable children from 8 years of age, but insist that the supervising licence holder is either a parent or an authorised guardian with parental consent and that the supervising licence holder has held a licence for a minimum of four years.

APPENDIX 3: RISK MANAGEMENT AND LIABILITY

Trail bike riding is by its nature an activity that has inherent and obvious risks. The highly variable and unpredictable terrain, often traversed at speed, tests the skill of the rider. This challenge – and the adrenaline that it triggers - is part of the thrill of trail bike riding for many riders.

Not all trail bike riders want to push their limits, but even the most sedate of riders must cope with the combined effects of gravity, inertia, rocks, ruts, mud, tree roots, concealed obstacles, other vehicles and a myriad other surprises encountered on the trails.

No rider goes out wanting to injure themselves but the physical and mental challenge is an element of the outdoor adventure that is trail bike riding.

To protect themselves riders wear an expanding collection of protective gear, becoming ever more reminiscent of a mediaeval jousting knight. Riders, by buying and wearing this protective gear, are by implication acknowledging that they could get hurt riding their trail bike and are thus adopting their own risk mitigation strategy.

In the vast majority of cases riders accept the risks. But there are some circumstances where a rider or a non-rider may seek compensation for damages incurred as the result of a riding incident. The potential for these circumstances, and the cost of defending such actions are a significant concern to land managers and their insurers. This has been cited as a principle barrier to the proclaiming of more designated ORV areas throughout WA, and a trigger for the closure of at least one of the existing areas.

If risk cannot be entirely avoided (which in this case it clearly can't be) then it must be managed.

PRINCIPLES OF RISK MANAGEMENT

The overriding objective of any risk management strategy is to minimise the likelihood of misadventure or injury to a visitor. This is both a moral and a legal responsibility.

In the context of trail bike riding there are two legal underpinnings to any risk management strategy. The 'traditional' common law requirements are framed in the Occupiers Liability Act, 1985 which is applied to the purpose of "determining the care which an occupier of premises is required to show towards a person entering on the premises in respect of dangers."

In the case of recreational facilities the obligations implicit in the Occupiers Liability Act are moderated to a significant degree by the Civil Liabilities Amendment Act 2003 which provides that there is no liability for harm caused by obvious risks associated with recreational activities nor for harm caused by inherent risks.

The effect of the latter legislation is to give people the right to choose to engage in activities that carry risk of personal injury or death, while providing protection for those land owners and managers who provide facilities where those activities can be undertaken. A more detailed discussion about the impacts of this legislation is contained later in this section.

Notwithstanding the risk transfer accomplished by the Civil Liabilities Amendment Act, there remain certain obligations -- both legal and moral -- owed as a duty of care to visitors to an area.

A risk management plan explores the risks to the public and to the land owner or manager and seeks to mitigate this risk through a series of deliberate actions.

The steps involved in developing a risk management plan are:

1. Identify hazards
2. Assess the risks
3. Manage the risks
4. Review and monitor

HAZARD IDENTIFICATION

Hazard identification involves consideration of all natural or man-made objects or circumstances that could give rise to injury. The identification process should not be influenced by any presumption of the ease or difficulty of mitigating the hazard and should be a continuous, rather than a one-off process.

Typical input into hazard identification includes a review of past incident reports, site inspection, interviews or focus group research with those people most directly responsible for the management of an area, relevant reports, articles or case studies and interviews with visitors to the area.

ASSESSING THE RISK

Assessing the risk draws on three elements from the occupiers liability act:

1. The likelihood or probability of the event occurring - from practically impossible to almost certain.
2. The frequency of exposure to the hazard - influenced by the number of visitors to the site and the length of time visitors spend in the area.
3. The potential consequences or impact of an incident or injury -- from inconsequential to catastrophic

Taken in combination, these three elements can be used to determine the overall level of risk and to help guide decisions as to whether a level of risk is acceptable or not.

A MANAGEMENT STRATEGY

A management strategy can be applied to each assessed risk. There are four main risk management options:

1. Accept the risk
2. Eliminate the risk
3. Minimise the risk

4. Transfer the risk

Accepting the risk can be an appropriate option where the overall risk level is considered low or where the hazard is an obvious natural hazard. A decision to accept risk should only be taken after careful consideration and caution.

Eliminating the risk is the safest option, but is sometimes not practical for economic reasons or for reasons of utility. This is particularly the case in facilities for recreation where obstacles are part of the challenge sought by participants.

There are several ways of **minimising risk**. Identified hazards can sometimes be modified so as to minimise risk whilst maintaining the original nature of the object. Where it is impractical to modify the hazard, appropriate warnings can help avoid incidents. Where it is impractical to post warnings on every identified hazard a broader educational program can provide visitors with a general warning about the nature of the area together with information to encourage appropriate visitor behaviour.

Risk transference typically involves obtaining an indemnity from participants whereby they acknowledge the risks and accept the consequences. The Civil Liabilities Amendment Act 2003 does away with the need to obtain written waivers in the case of obvious or inherent risks associated with recreational activities, stipulating no more than warning signs that are given *"in a manner that is reasonably likely to result in people being warned of the risk before engaging in the recreational activity."*

Reviewing and Monitoring

Reviewing and monitoring the risk management plan is absolutely essential, both to identify new hazards that may have emerged and to ensure that the assessment of risks and associated management strategies remain current and properly implemented.

RISK TRANSFERENCE STRATEGIES

Where risk cannot be fully mitigated, Risk Transference is a strategy to reduce the risk to one party by transferring it, either wholly or partly, to another.

In the case of recreational trail riding the object is to transfer risk away from land managers and organisers and onto those who actually participate in the activity – Ride at Your Own Risk.

To this end, the Civil Liabilities Amendment Act provides a legislative instrument designed specifically for this purpose.

CIVIL LIABILITIES AMENDMENT ACT

The Civil Liability Amendment Act 2003 provides an exemption for public authorities from liability arising from accidents associated with a recreational activity for which a reasonable risk warning has been given. Because of its importance to the issue of risk it is worth exploring this legislation in some detail.

The Civil Liability Amendment Act 2003 modified the Civil Liability Act 2002 by incorporating specific provisions for recreational activities that had 'inherent or obvious risks'. Like similar provisions in other states, it arose as a legislative response to the review of the law of negligence ("the Ipp

report”). That review was a response to the perception of escalating awards to plaintiffs in personal injuries cases including some where injuries had been suffered whilst participating in recreational activities. Rising insurance premiums, especially for outdoor sports and recreation, forced some operators of recreational businesses to cease operating and had serious impact on the cost structure for many others.

The Act contains some important definitions:

“**dangerous recreational activity**” means a recreational activity that involves a significant risk of harm;

“**inherent risk**” means a risk of something occurring that cannot be avoided by the exercise of reasonable skill and care;

“**obvious risk**” is a risk that, in the circumstances, would have been obvious to a reasonable person in that position of that person. Obvious risks include risks that are patented or a matter of common knowledge. A risk of something occurring can be an obvious risk even though it has a low probability of occurring. A risk can be an obvious risk even if the risk (or a condition or circumstance that gives rise to the risk) is not prominent, conspicuous or physically observable.

Sections of the Act most relevant to trail bike riding both in ORV areas and public trails include:

5H. No liability for harm from obvious risks of dangerous recreational activities

The intent:

No liability exists if a person is harmed while engaged in a dangerous recreational activity if the harm was caused by something that is an obvious risk of that activity. Falling off a trail bike would be considered an obvious risk of that activity, and a person would not be likely to succeed in a damages claim for falling off a trail bike by contending that they were not aware of the risk of falling off. But it is important to distinguish between risks that are inherent and obvious and risks that are either not inherent or not obvious. For example in a recent case in New South Wales (*Mikronis v Adams*) an award was made against a horse riding centre when a client fell from her horse after her saddle slipped. The judge determined that whilst the risk of falling off a horse was obvious, the risk that the saddle may slip was not, and the riding centre was negligent in not properly tightening the saddle.

In some circumstances legislation may require a written warning to be given, or a participant may specifically request advice about risks, in which case adequate warnings must be given. In the latter case, the fact that a participant has requested information about risk does not then make it necessary to give that same warning to future participants (unless they ask).

The wording:

(1) A person (the “**defendant**”) is not liable for harm caused by the defendant's fault suffered by another person (the “**plaintiff**”) while the plaintiff engaged in a dangerous recreational activity if the harm is the result of the occurrence of something that is an obvious risk of that activity.

(2) This section applies whether or not the plaintiff was aware of the risk.

(3) This section does not apply if :

- (a) the plaintiff has requested advice or information about the risk from the defendant; or
- (b) the defendant is required by a written law to warn the plaintiff of the risk.

(4) Subsection (3) does not give rise to a presumption of a duty to warn of a risk in the circumstances referred to in that subsection.

5I. No liability for recreational activity where risk warning

The intent:

A risk warning strengthens the provisions of 5H in providing effective protection against a damages claim. A risk warning does not need to specify every specific risk; instead it can be a general warning that covers a class of risks. Importantly there is no obligation to ensure that participants have understood or even read the warning. It is sufficient to ensure that it is reasonably likely that a person would have seen and understood the sign before engaging in the activity. “Reckless disregard” for the safety of others is still a cause for action, but this implies a significantly lower duty of care than that prescribed in the Occupiers Liability Act.

The wording:

(1) Subject to this section, a person (the “**defendant**”) does not owe a duty of care to another person who engages in a recreational activity (the “**plaintiff**”) to take care in respect of a risk of the activity if the risk was the subject of a risk warning to the plaintiff.

(2) If a child suffers harm, the defendant may rely on a risk warning to a parent of the child if the parent is not an incompetent person;

- (a) whether or not the child was accompanied by the parent; and
- (b) whether or not the child was under the control of the parent.

(3) If a child suffers harm, the defendant may rely on a risk warning to another person who is not a parent of the child if;

- (a) the other person is not an incompetent person; and
- (b) either ;
 - (i) the child was accompanied by that other person; or
 - (ii) the child was under the control of that other person.

(4) For the purpose of subsections (1), (2) and (3), a risk warning to a person in relation to a recreational activity is a warning that is given in a manner that is reasonably likely to result in people being warned of the risk before engaging in the recreational activity.

(5) The defendant is not required to establish that the person received or understood the warning or was capable of receiving or understanding the warning.

- (6) A risk warning can be given orally or in writing (including by means of a sign or otherwise).
- (7) A risk warning need not be specific to the particular risk and can be a general warning of risks that include the particular risk concerned (so long as the risk warning warns of the general nature of the particular risk).
- (8) A defendant is not entitled to rely on a risk warning unless it is given by or on behalf of the defendant or by or on behalf of the occupier of the place where the recreational activity is engaged in.
- (9) A defendant is not entitled to rely on a risk warning if it is established (on the balance of probabilities) that the harm concerned resulted from a contravention of a written law, or a law of the Commonwealth, that establishes specific practices or procedures for the protection of personal safety.
- (10) A defendant is not entitled to rely on a risk warning to a person to the extent that the warning was contradicted by any representation as to risk made by or on behalf of the defendant to the person.
- (11) A defendant is not entitled to rely on a risk warning if the plaintiff was required to engage in the recreational activity by the defendant.
- (12) A defendant is not entitled to rely on a risk warning if it is established (on the balance of probabilities) that the harm concerned resulted from an act done or omission made with reckless disregard, with or without consciousness, for the consequences of the act or omission.
- (13) A defendant is not entitled to rely on a risk warning to an incompetent person.
- (14) The fact that a risk is the subject of a risk warning does not of itself mean;
- (a) that the risk is not an obvious risk or inherent risk of an activity; or
 - (b) that a person who gives the risk warning owes a duty of care to a person who engages in an activity to take precautions to avoid the risk of harm from that activity.
- (15) This section does not limit or otherwise affect the effect of a risk warning in respect of a risk of an activity that is not a recreational activity.

(16) In this section:

“child” means a person who has reached 16 years but is under 18 years of age;

“incompetent person” means a person who is under 18 years of age or who, because of a physical or mental disability, lacks the capacity to understand the risk warning.

5X. Policy Defence

The Intent:

Where a public authority has a policy, for example to only grade a track once every six months, that policy cannot be used as evidence of negligence unless the policy can be shown to be unreasonable.

The wording:

In a claim for damages for harm caused by the fault of a public body or officer arising out of fault in the performance or non-performance of a public function, a policy decision cannot be used to support a finding that the defendant was at fault unless the decision was so unreasonable that no reasonable public body or officer in the defendant's position could have made it.

5Y. Proceedings against public body or officer based on breach of a statutory duty

The Intent:

To protect public authorities against claims made for failing to exercise statutory authority. For example, protection against claim for failure to detain a trail bike rider who is accessing an area unlawfully in the event that the rider subsequently causes an accident in which someone is injured.

The Wording:

(1) This section applies to proceedings to which this Part applies that are based on an alleged breach of a statutory duty by a public body or officer in connection with the exercise of or a failure to exercise a public function of the body or officer.

(2) For the purpose of proceedings to which this section applies, the public body or officer cannot be liable for damages for harm caused by fault in the exercise of, or a failure to exercise, the statutory duty unless the provisions and policy of the enactment in which the duty is created are compatible with the existence of and that liability.

5Z. Special protection for road authorities

The Intent:

To ensure that a public body with responsibility for constructing or maintaining roads is not held liable for any risks created by deficiencies in that road, unless they knew about the specific risk that existed. The knowledge of such a risk then does not automatically create any duty of care greater than would otherwise be the case.

The Wording:

(1) In this section —

“**carry out road work**” means carry out any activity in connection with the construction, erection, installation, maintenance, inspection, repair, removal or replacement of a road;

“**road**” has the meaning given to that term in the *Main Roads Act 1930* section 6; (defined therein as any thoroughfare, highway or road that the public is entitled to use and any part thereof, and all bridges (including any bridge over or under which a road passes), viaducts, tunnels, culverts, grids, approaches and other things appurtenant thereto or used in connection with the road)

“**roads authority**”, in relation to a road, means a public body or officer whose functions include carrying out road work on that road.

(2) A roads authority is not liable in proceedings to which this Part applies for harm arising from a failure of the authority to carry out road work, or to consider carrying out road work, unless at the time of the failure the authority had actual knowledge of the particular risk that caused the harm.

(3) This section does not operate —

(a) to create a duty of care in respect of a risk merely because a road authority has actual knowledge of the risk; or

(b) to affect any standard of care that would otherwise be applicable in respect of the risk.

OFF ROAD VEHICLES ACT

To a lesser extent, the Off Road Vehicles Act also provides a mechanism for risk transference under Section 20 (4) which states:

(4) Regulations and local laws made under this Act may make provision for the control of vehicles in a permitted area and for the safety and obligations of persons who use vehicles in the area, and a person shall not drive or use a vehicle in a permitted area unless he complies in all respects with such regulations and local laws and any conditions, restrictions or limitations thereby imposed.

DUTY OF CARE AND THE CONCEPT OF REASONABLENESS

When is a warning sign needed? When do specific risks need to be identified? When do they need to be removed?

What constitutes a “sufficient management approach” has always been a grey area. In handing down his decision in the Coombe versus Shire of Gingin case Judge Keen provides some guidance as to what would be considered by the courts to be “reasonable” under the circumstances prevailing at Lancelin by making the following observations about what would not be considered reasonable:

- It was not reasonable to expect the Shire to have a regular system of inspection of the dunes (120)
- It was not reasonable to expect the Shire to exclude the public from the sand hills – in fact it is “probably safer to have these activities being carried on in a specific area rather than being conducted by members of the public on an ad hoc basis...” (124)
- It was not reasonable to expect the Shire to identify particular dunes which may be especially hazardous (125)
- It was not reasonable to expect the Shire to place signs in and around the dune area to warn of specific dangers on specific dunes (127)

Having dispensed with elements of management approach that the courts would not expect, Judge Keen went on to outline his view on what a reasonable response to risk would be, and the deficiencies in that response he found in this particular case:

- A reasonable response to the risks of the terrain and activity would be to place appropriate warning signage warning entrants of the dangers (132)

- The warning signage in place at the time was inadequate, both in its content and its placement (121, 135)

Therefore it can be concluded that had the Shire of Gingin had in place signage that served as a more effective warning, both in its content and in its placement, the duty of care that the Shire owed to Mr Coombe (and, by inference, future litigants) would have been discharged.

Bottom line? From a purely legal perspective, better signage would constitute a 'sufficient management approach'.

APPENDIX 4: MINIKHANA

Minikhana provides entry to the sport of motorcycle riding. Its focus is on training children from four years of age upwards in the art of controlling a motorcycle. Through the tightly controlled program of activities that includes motocross and technical “witch’s hat” events, the children gain the skills to become safer riders in all disciplines.

Minikhana is controlled by rules set out by motorcycling Australia. Those rules operate under the same umbrella as all other forms of motorcycling competition in Australia. Officials are required to undertake formal training to ensure they are equipped with the correct skills to determine that the motorcycles, the venue and the conduct of events comply with the guidelines that have been established to provide for a safe and fair environment for the children to learning. Clubs also undertake a risk management activities to ensure that the risks are appropriately dealt with before they have a negative impact.

The venue and tracks are subject to licensing by Motorcycling Australia and are inspected annually.

Minikhana is popular in New South Wales with at least six Minikhana clubs operating in the Sydney area – some of which have been operating for over 30 years. The sport is yet to be introduced to Western Australia,

In the context of the State Trail Bike Strategy Minikhana could provide an option for those parents who want their children to participate in structured, fun motorcycling events but who do not want their children racing competitive junior motocross. Currently the only alternative to junior motocross is the Trail and Enduro Club’s Junior Off-Road Riding Event Series which, although well run, is experiencing capacity constraint and requires larger areas of land which make it not suitable for operation within the metropolitan region.

Engaging junior riders in structured riding activities such as Minikhana provides an opportunity to instil responsible riding habits early and relieves some pressure on the call for more riding areas for juniors.

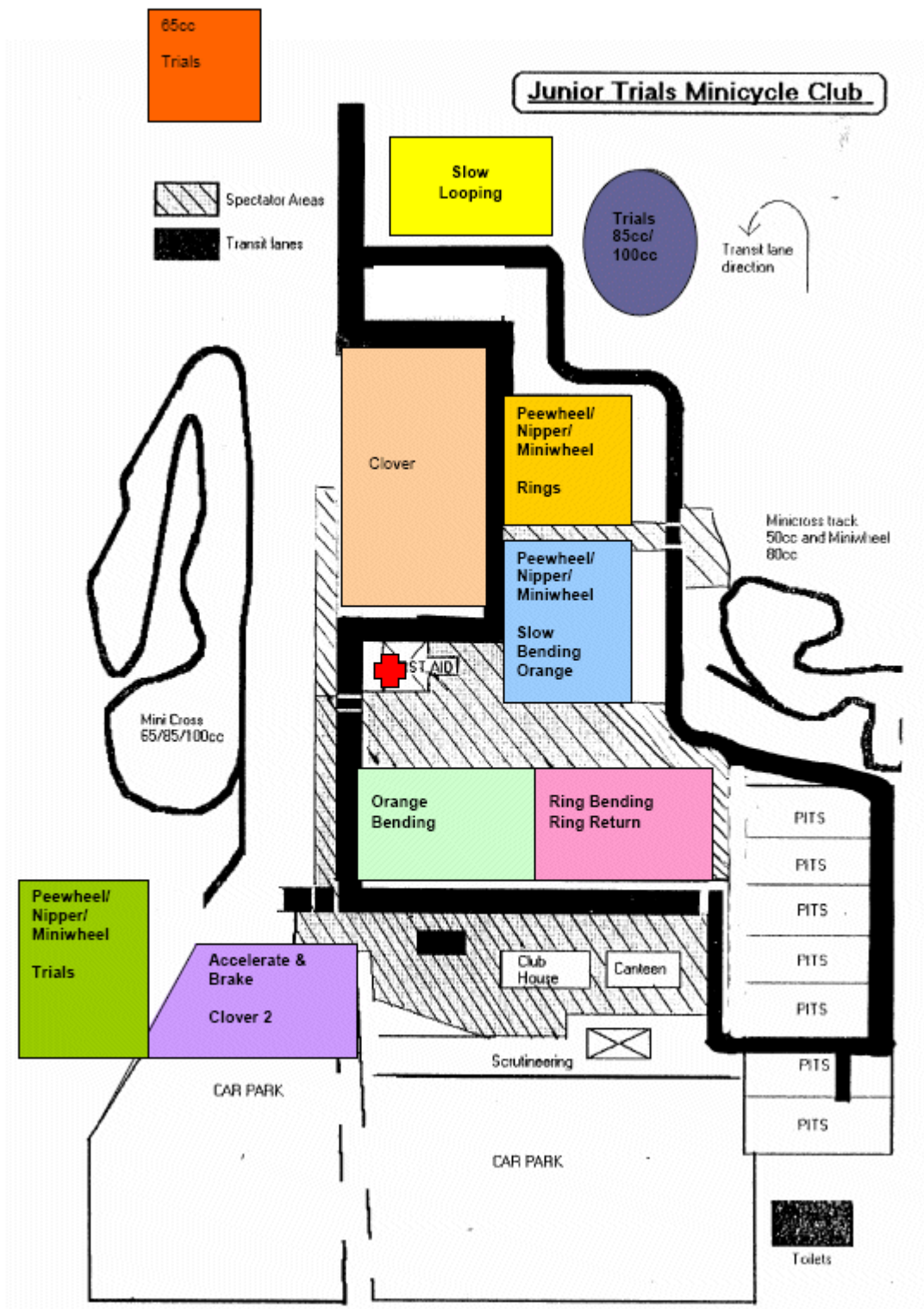
Land requirements for Minikhana are reasonably modest. Most clubs in Sydney operate on land that is between 2 and 10 Ha which is divided into zones for the different activities.

Noise emissions are relatively low, so Minikhana activities can be located within the metropolitan area with lower noise buffering requirements than other forms of motorsport. Most activities are low speed and motorcycle capacity is restricted to between 50 cc and 100 cc machines. In minicross events (just one of the activities undertaken) there is a limit of four riders on the track at any one time.

Motorcycling Western Australia is keen to see Minikhana introduced to the state and the Recreational Trail Bike Riders Association is supportive of this initiative.

it is recommended that suitable land be identified and funding be sought to develop a Minikhana club formation kit and to provide support services to assist in the simultaneous establishment of three to four Minikhana clubs within the Perth metropolitan region. The same model could then be applied to regional locations.

The following diagram and aerial photo depicts the Junior Trials Minicycle Club in Sydney.





APPENDIX 5: CONSULTATION

There are many State Government departments, local government authorities, industry associations, community groups and clubs who all have a stake in the issues and outcomes relating to the State Trail Bike Strategy.

The project methodology utilised the framework recommended by the Department of Premier and Cabinet in the Consulting Citizens Series⁸⁴. A full Communication and Consultation Plan was developed as part of this project – these details are extracted from the full plan.

It is useful to consider 5 broad groups of stakeholders who have particular objectives and interest in the resolution of the current trail bike issues.

1. **Trail bike riders and the trail bike industry:** Want safe, quality places to ride, reduction in conflict and injuries and to see an acceptance of and provision for their recreational activity.
2. **Other trail users:** Want trail bike riders off walking, cycling and bridle trails so they can enjoy their own activity safely and preserve their trails. Have experience in development of tracks and trails programmes.
3. **Environmental groups:** Have environmental concerns about flora, fauna, disease, soil and track erosion, water catchment, and noise and include resident groups. Consider risk mitigation strategies.
4. **Land managers:** Need to provide the land for trail riding but have land availability, access, environmental, liability, management and maintenance concerns.
5. **Regulators:** Consider issues such as registrations, licensing, enforcement, legislation, policies, liability, insurance, road classifications.

This table indicates those individual stakeholders who were consulted as part of this strategy development, specific objectives were set for each:

TRAIL BIKE RIDERS AND RIDING COMMUNITY	LAND MANAGERS	REGULATORS
Motorcycling WA & affiliate clubs	DEC	DPI
Recreational Trailbike Riders	Dept of Water & Water Corp	DLGRD & ORV Committee
Junior riders and parents	Forest Products Commission	WA Police
DSRMA	WA Planning Commission	State Solicitor's Office
Dealers and manufacturers	WALGA	Main Roads

⁸⁴ Working Together – Involving Community and Stakeholders in Decision Making, Department of Premier and Cabinet 2006

Motorcycle Industry Assoc – Division of the Motor Trade Assoc (MCIA)	Westrail	Insurance Commission of WA
Three Chillies	Western Power	OTHER TRACK USER GROUPS
ENVIRONMENTAL GROUPS	City of Gosnells	Walkers
DEC	Shire of Mundaring	Horse Riders
Leave no Trace	Shire of Kalamunda	Mountain Bikers
WA Rangers Assoc	Shire of Gingin	4 wheel drivers
Conservation Commission of WA	Shire of Swan	OTHER
Catchment Councils	Regional Recreation Advisory Committees	DSR
Conservation Council	DPI	Tourism WA
Wildflower Society		Office of road safety
WA Naturalist’s Club		FESA
		Dept of Health
		Lotteries Commission
		Healthways

Consultations were undertaken via:

- Meetings
- Group presentations
- Email and written submissions
- Response to either of the 2 online surveys
- On site interviews and surveys

APPENDIX 6: GLOSSARY

TERM	MEANING
ADR Compliant	Complies with Australian Design Rules – necessary for ability to be road registered.
ATV	All terrain vehicle including quads.
CALM	Conservation and Land Management (Department of). The former name of the department that is now the Department of Environment and Conservation
DEC	Department of Environment and Conservation
Dieback	In the south-west of Western Australia a disease of plants caused by the soil-borne organisms of the genus <i>Phytophthora</i>
Disease Risk Area or DRA	An area where public access is limited in order to prevent the spread of dieback
Hot Spot	Areas which experience high levels of trail bike traffic – legal or illegal – that attracts community complaint.
LGA	Local Government Area
ICWA	Insurance Commission of WA
Off Road Vehicle Areas	Areas designated by the Control of Vehicles (Off Road Areas) Act 1978 where off road vehicles can be used without road registration or licenses.
OHV	US term – Off Highway Vehicle – same as Australian ORV.
ORV	Off Road Vehicle – includes all forms of trail bikes, all terrain vehicles, four wheel drive vehicles, dune buggies.
ORV Registration	Form of vehicle registration required to enter a designated Off Road Vehicle Area.
Private land	Land owned by private individuals or organisations (i.e. non-Government)
Public land	Land owned by Government (State or local)
Ride Club	Local User Group affiliated with Motorcycling WA
Stakeholder	Any person, group or organisation with an interest or “stake” in the issue either because they will be affected by a decision or may have some

	influence on its outcome.
Sustainable	Meeting the needs of the present without compromising the ability of future generations to meet their needs. Capable of being continued with minimal long-term effect on the environment.
Track	Constructed and often suitable for vehicular use. The noun “track” is often associated with the Australian bush environment.
Trail	A routeway that may have been partially improved or be merely well worn or known due to the passage of animals or humans. The American noun with the same or similar meaning as track.
Trail Bike	A motorcycle that can be used both on and off-road. This project has used the term generically to describe any form of off-road motorcycle.

APPENDIX 7: REFERENCES

REPORTS

Over two hundred and fifty reports and documents were reviewed in the production of this report. The following have been referenced specifically in the text:

Adventure Activity Standards – Vic – Trail Bike Touring

Best Practice Strategic Park Management – CRC for Sustainable Tourism

Case Studies from US National OHV Collaboration Summit

Central Highlands Trailbike Project – Background Paper and Workshop Notes – Vic Dept of Sustainability and Environment

Draft Recreation Framework for Bunyip Public Land, Vic Dept of Sustainability and Environment, 2005

Economic Impact of Recreation in WA Parks – CRC Sustainable Tourism

Equestrian Trails Study – Department of Sport and Recreation

Feasibility Study – Off Highway Vehicle Riding Opportunities in Southeast Queensland – FOHVA 2003

Forest Management Plan 2004-2013 – Conservation Commission of WA

Future Direction of Trails Development in WA, Department of Sport and Recreation 2004

Inaugural Report of the Western Australian Trauma Registry, Injury Research Centre 2003

Injury in Western Australia, An Epidemiology of Injury 1989-2000, Injury Research Centre

Judgements in: Coombe –v- Shire of Lancelin, State of SA –v- Wilmot, Woods –v- Multi-Sport Holdings, Cooper –v- Shire of Leonora, Romeo –v- NT Conservation Commission, Wyong Shire –v- Shirt, Nagle –v- Rottnest Island Authority

Iowa OHV Handbook – Iowa Department of Natural Resources

Lancelin Off-Road Injuries, Lancelin Silver Chain Nursing Centre, Wheatbelt Public Health Unit, 2006

Local Government Noise Survey Report, Department of Environment 2005-06

Management Guidelines for Off-Highway Vehicle Recreation, Tom Crimmins, NOHVCC

Management of Off Road Vehicle Use on CALM Managed Land, 2004

McKenzie-Mohr, Doug & Smith, William (1999) Fostering Sustainable Behaviour

Michigan Off-Road Vehicle Plan, Dept of Natural Resources, Michigan 2005

Motorcycle Theft in Australia - FCAI

Mountain Bike Management Guidelines – WA Department of Environment and Conservation

New South Wales Off Highway Vehicle Trends – Report to the Federal Chamber of Automotive Industries Motorcycle Division. Tread Lightly! Australia Ltd

Off-Highway Vehicle Use and Collaboration, National OHV Implementation Team, USDA Forest Service, 2005

Off-highway Vehicles in Nova Scotia, Provincial Direction and Action Plan, Nova Scotia Off-Highway Vehicle Taskforce, 2005

Off-Road Vehicle Summit, Workshop Report by CALM (now DEC) in 2006.

Park Guidelines for OHVs – NOHVCC

Peel Trail Bike Project – Department of Sport and Recreation 2006

Planning Principles for Off-Road Motorcycles (2002) Published by: Gold Coast City Council. Authors: Strategic Leisure Pty Ltd and John Wood Consultancy Services.

Position Paper Control of Vehicles (Off-Road Areas) Act 1978, May 2006, DLGRD

Recreating within Public Drinking Water Source Areas, Department of Water

Recreational Vehicle Working Group 2005, *Policy for the Use of Recreational Vehicles on State-Owned Lands in Tasmania*. Parks and Wildlife Service, Hobart, Department of Tourism, Parks, Heritage and the Arts.

Regional Trail Bike Facilities Needs Plan, CPR Group, 2005

Ride Around Tasmania, Edition 3, Parks and Wildlife Service, Forestry Tasmania, Tourism Tasmania, DSMRA, TRVA

Risk Management for Community Organisations, WA Government, 2003

Solutions to Unlawful Trail Bike Riding in SE Queensland, SEQ Trailbike Management Forum, 2003

South East Queensland Trail Bike Management Forum 2003 Series Workshops

Sporting Activity Injuries in Children, Princess Margaret Hospital for Children 2007

Six Strategies for Effective Enforcement of ORV Use on Public Lands – Wildlands CPR 2007

Taking the High Road, The Future of California's Off-Highway Vehicle Recreation Program, California State Parks, 2002

Trail Bike Initiative Update, Department of Sustainability and Environment, July 2006

Trailbike Project Options Paper, Department of Sustainability and Environment, 2005

Trauma Registry Report, 2005, Royal Perth Hospital

Travel Management; Designated Routes and Areas for Motor Vehicle Use; Final Rule – US Department of Agriculture Forest Service – 9 November 2005

Unregistered and Underaged Trail Riders Needs Analysis study – SEQ Trailbike Forum

US Wilderness Society study on ORV effects, 2006

WATARC Response to ORV Legislation Review, 2006

WA Department of Sport & Recreation: Facts and stats: Social Trends

Water CRC Research – Recreational Access, Drinking Water Risk Assessment

Wikipedia / Sound Pressure Level Decibel Table: William Hamby 2004

Working Together – Involving Community and Stakeholders in Decision Making, Department of Premier and Cabinet 2006

Young Driver Training and Licensing Systems – literature review, Monash University Accident Research Centre, 2005

WEB SITES

Over one hundred web sites were reviewed in the production of this report. The following web sites have been referenced specifically in the text:

California Off Highway Motor Vehicle Recreational Division - www.ohv.parks.ca.gov

Tread Lightly! www.treadlightlyaustralia.com.au

Dept of Sustainability and Environment www.dse.vic.gov.au

Mundabiddi www.mundabiddi.org.au

BlueRibbon Coalition (US) www.sharetrails.org

American Trails www.americantrails.org

The Paper Road Society of New Zealand www.prs.org.nz

Queensland Outdoor Recreation - home of SEQFATI www.qorf.org.au

Byways UK www.byways.org.uk

National Off-Highway Vehicle Conservation Council - US (NOHVCC) www.nohvcc.org

Community Based Social Marketing www.cbsm.com

APPENDIX 8: COMMUNITY SURVEY



STATE TRAIL BIKE STRATEGY

COMMUNITY SURVEY ANALYSIS AND RESULTS

PREPARED BY: TRAIL BIKE MANAGEMENT AUSTRALIA

VERSION: 1.0

October, 2007

This survey was conducted as part of the research and consultation for the State Trail Bike Strategy with funding and assistance provided by:



Department of Sport and Recreation
Department of Environment and Conservation
Department for Planning and Infrastructure
Department of Local Government and Regional Development



RTRA
RECREATIONAL TRAILBIKE
RIDERS' ASSOCIATION WA



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INTRODUCTION

Recreational trail bike riding is a popular and growing activity but this popularity and growth is increasingly having negative impacts on the broader community. Residents and other trail users are often in conflict with the activity and the effect it has on their own enjoyment of the environment. Land managers and local government authorities are struggling to provide facilities for the activity whilst protecting the environment and dealing with issues of liability.

The State Trail Bike Strategy has been undertaken to address the myriad of issues surrounding recreational trail bike riding and to propose recommendations for change that will address the needs of those involved in this issue in a manner that is socially, financially and ecologically sustainable.

The Strategy proposes a framework for planning and managing recreational trail bike riding on public and private lands and for coordinating cooperation between the relevant State Government agencies, local communities, local government and recreational trailbike riders.

As part of the research and consultation undertaken for the Strategy an online survey was conducted to engage with residents, trail users, environmental groups, local government authorities, rangers and shire officers. The aim was to discover the range of issues the general community had with trail bike riding and trail bike riders, where these issues were occurring, to see the perceived causes of these issues and to gauge response to solution options.

The survey was linked from the websites of the Department of Sport & Recreation and Department of Environment and Conservation and was a key facility provided to the community as their “Have Your Say” part of the strategy consultation.

The Survey, and the broader State Trail Bike Strategy project received significant media coverage via community newspapers, as well as promotion via many of the Local Government Authorities that have an interest in the issue.

It is important to note that this Survey used a self-selecting sample, therefore those people most likely to be respondents are those with the strongest views. The survey was not intended to be a statistically valid cross-section of the community, more an indicator of community sentiment. Accordingly it is not possible to draw reliable inferences from this research about the *overall* level of community feelings towards trail bike riding.

This document provides the results, findings, analysis and commentary for the Community Survey.

THE FINDINGS

The Community Survey was conducted as an online survey and ran from June 17, 2007 until September 17, 2007. In total 268 responses were received. Other written submissions were received and considered within the broader consultation process for the State Trail Bike Strategy, however those submissions have not been included in these results.

The survey findings and this report is structured as follows:

1. **The issues**
Description of the issues, where they occur.
2. **Action undertaken**
Requests and results of action undertaken.
3. **Possible solutions**
Responses to possible solutions and requests of the state and local governments.

Respondents were also asked to provide specific details of locations where the problem trail bike riding was occurring. This information has been collated into a separate "Riding Site Register" as part of the State Trail Bike Strategy and is not included within this report.

THE ISSUES

This section of the report summarizes the issues respondents have experienced related to trail bike riding and trail bike riders.

Respondents were asked “What problems have you encountered with trail bikes and/or trail bike riders?”.

The main issues are noise, safety concerns from other trail users, aggressive and arrogant behavior, trail damage, environmental degradation and the lack of visible enforcement. The following were the most common issues raised:

What problems have you encountered with trail bikes and/or trail bike riders?		
Riding unlicensed bikes on suburban streets	Safety issues for other trail users	rude, unthoughtful, aggressive and arrogant attitude – no respect for others
environmental damage	fear of being run down	Disturbance to fauna
bringing in weeds and dieback	Damage to mountain bike trails	frighten horses
Rubbish	Lack of enforcement	erosion
illegal riding on walking tracks	anti social behavior - hoons	Riding in beach areas
Dangerous / reckless riding	Riders on Bridle Paths	lack of identification
Noise, disturbing the peace	riding over dune vegetation	creating new tracks
Vandalism to signs	No respect for cars	Accidents and injuries
Mini bikes on local ovals	Fire hazard from sparks	riding on vacant land
coming onto private property without permission	No response from complaints by authorities	Complaints bounced from shire to police and back

These can be categorised into the following main Community Concerns.

Noise

Noise is one of the most tangible outputs from trail bikes. Noise is the biggest irritant for residents who live near trail bike “hot spots” or who have trail bike riding neighbours.

“Trail bike riders as young as 6 years old terrorize our way of life. Noise levels from as many as 5 motor bikes at a time exceed 74dbs under the main roof of our house. The neighbour has allocated 2 1/2 acres of their block to their own child and anyone else who chooses to join him on the circuit they have constructed for the purpose of motor cross entertainment. Very loud and very fast motor bikes pass our door as frequently as every ten seconds for at least 2 hours at a time just about every weekend and every

other week day during fine weather. We have endured the noise for as long as 5 hours at a time and as late as 8pm during last summer. Not soon after the kids next door stop riding their bikes then the kids a few blocks away start riding. In the Chittering Valley where we live the noise is amplified as it intrudes on the otherwise tranquil environment so it makes little difference if the bikes are 30 metres away or 500 metres away the noise is just as ear piercing. Request to the parents of these inconsiderate children falls on deaf ears, one parent told me to sell my house and leave if I don't like it."

Noise also factors greatly in loss of enjoyment by other trail users – although most acknowledge that the noise helps them know that trail riders are on the track. The noise of trail bikes scares horses on tracks and disturbs other native fauna.

"As horse riders we often have young children and young horses out riding. We have come into contact with some trail bikers who do not realise that many horses react adversely to the noise and presence of trail bikes. Most of the trail bikers are very understanding and stop and switch off their engines, others just hoon past us (kick up the gravel) and we are left to pick up fallen children and runaway horses."

Trail Conflict

The survey received many responses from walkers, mountain bikers and horse riders concerned about sharing trails with trail bike riders and trail bike riders illegally using trails designated exclusively for these other pursuits.

The concerns raised by other trail users are for their safety ie fear of collisions, trail bikes degrading tracks and making them unsuitable for other uses, horses being spooked by the noise, being sprayed by dirt and gravel as bikes go past and a general lack of consideration by trail bike riders for other trail users.

"The main problem I have is trail bikes riding on Mountain Bike (mtb) trails which have been designed and built for mtb and not large motorised trail bikes. As mtb trails are narrow with tight turns, the trail bikes spend most of their time stop starting and destroying the trail, which questions why then do trail bike riders continue to ride mtb tracks. In addition they also do not consider to think that an mtb rider might be on the trail and do not slow down or make any allowances for them. As you can hear a trail bike I always get off the track and stop until the trail bike has passed as I have almost been cleaned up 5 times this year alone. This inconsideration really annoys me and creates a lot of tension between mtb and trail bike riders."

There was however an acknowledgement that many trail bike users did respect the rights of other trail users by either pulling over and turning off their engines or throttling back as they passed – but that this was spoilt by those who rode irresponsibly. There was also an acknowledgement by many that this situation arose because trail bike riders did not have their own trails and so were forced to use other trails.

"I ride mountain bikes and trail bikes. The main problem I have encountered is the reckless way SOME trail bike riders ride. I believe this is really only a problem in mixed traffic areas (bikes, walkers, trail bikes...). Believe this is caused because trail bike

riders are forced to use mixed traffic areas because there are very limited areas where they can legitimately ride. The major problem with any hassles in any mixed traffic areas (trail bike - mountain bike) (mountain bike - walker) is the lack of respect they show each other."

"I believe the Gngangara pines are supposed to be divided up into different areas for different recreational purposes i.e. an area for bikes and an area for horses. I ride my horse in the area I think is supposed to be for horses, but there are always trail bikes using the trails. Most times the bike riders are courteous, you get the occasional one who either doesn't know how to drive past horses or doesn't care. Most times it is fine if I keep to the wide roads. However, I won't ride on the narrow tracks anymore because of the probability of coming across a trail bike. Most times you can hear a bike but it can be difficult to pinpoint exactly where the bike is. You generally won't see it until it is almost upon you and then you can have a horse freaking out and depending on the trail possibly nowhere to get out of the way, if you have time. It would be much better if the trail bike riders stayed in their own area. I am happy to stay out of their way and not ride in their area. I can't say that I have seen many, if any, signs about what is permitted."

Environmental Damage

The survey found that many members of the community are concerned about possible environmental damage caused by trail bikes. Specifically respondents raised concerns about the spread of dieback by riding in Disease Risk Areas (DRAs), the spread of weeds by leaving tracks, the risk of starting fires from exhausts, littering and disturbance of fauna and flora.

"Invest more time and resources into cracking down on unlicensed trail bikers and trail bikers accessing DRA and other restricted areas. They ride with impunity as they know no-one will ever do anything about their behaviour - in their helmets they are anonymous, with their mates they have a pack mentality. I have even seen them camped with a caravan within a DRA area from Sat morning to Sun afternoon - 10 adults, 4 kids and the area was devastated where they were. Vegetation crushed, creekbanks ruined, litter, bottles, cans, fire ash piles etc."

"Spread of diseases such as phytophthora dieback, spread of weeds, complete lack of regard to vegetation or conservation of natural areas, threatened ecological communities and declared rare flora. Belligerent and deliberately ignoring signage. Belligerent and deliberately ignoring established tracks. Exacerbating erosion by riding through waterways. Belligerent and deliberately ignoring authority of land managers"

There were also concerns that specific areas that had been painstakingly regenerated and/or were considered extremely sensitive were very quickly damaged by illegal and/or irresponsible trail riders.

"I belong to a Friends Group responsible for looking after bush land in Glen Forrest. In 1996 we worked for 9 months to remove rubbish from the area (a dump for some 50 years). Have subsequently revegetated with help from the local Primary School children; have treated areas for dieback etc. Trail bikes, beach buggies and quad bikes

race through the area flattening plants on the edge of the firebreaks and walk trails. They make their own "humps", do wheelies and generally mess up."

Specific environmental concerns were also addressed in more detail later in the survey when respondents were asked – “What effect do you think trail bike riding has on the land, the environment?” with the following as a selection of quotes:

“If they stay on tracks not much damage is caused but they tend to go too fast and cause humps in the tracks and trails which makes a mess. They are also making new trails and this is making a worse situation for keeping areas for recreational people to enjoy the outdoors including walkers.”

“I think the noise pollution is a shame, but I can deal with that. The amount of rubbish, soft drink bottles, rubbish bags, take-away containers, alcohol is absolutely disgraceful. To be honest, I think trailbike riders need to be responsible with rubbish - I wouldn't have that much of a problem then. But I have also encountered really irresponsible riders, who drive far too fast. I think they need designated areas where cars won't be - and they need to be prosecuted if they don't take care with the environment and rubbish. I wouldn't like to see rubbish bins provided, as that would mean someone then has to maintain them. I'd like people to be RESPONSIBLE for their own mess.”

“Causes severe erosion and destruction throughout the forests. Noise impacts on animals and birdlife, particularly while nesting. This is critical on threatened species trying to nest. Impacts on the lifestyle of people who move for the peace and tranquility of the southwest. Riding bikes through dieback-infested areas of state forest will only further the spread of the pathogen. Potential to spread weeds through the forests.”

“When done responsibly over set trails in a distinct area, then it is minimal damage as it is restricted to the tracks. Where there are no tracks and they start them or in clear areas and on fragile rock surface environments then it is vandalism due to damage from tyres and clearance of scrub.”

“as long as they stay to fire breaks I don't mind – if they ride on the fire breaks where it is okay to cut up the soil as this keeps weeds down on the breaks.”

Trail Damage

Related to the issue of user conflicts on shared trails or riders using trail designated for other activities is the concern that the nature of trail bike riding damages or degrade trails which lessens the enjoyment of others and causes trail erosion.

“Causing severe erosion on tracks used to access private property. These tracks are privately maintained and considerable funds have been put into these tracks.”

“Trail bikes are unlawfully using the Bibbulmun Track which has been set aside for walkers only. Trail bikes have dug up sections of the track, particularly on corners and where track is wet. This creates indentations in the track which make walking more

hazardous and detract from the aesthetics of the track. In many cases, erosion control structures are dislodged or damaged by the bikes.”

Enforcement

Submissions from the community highlighted a concern that little was perceived to be done to enforce the law or to stop nuisance or dangerous trail bike riding. Respondents were also frustrated about the process of complaints and which government agency was responsible for enforcement. Examples were cited of calling the Shire or local rangers and being told to call the police who promptly told them to call the Rangers.

Most worrying is the trend for residents to take matters into their own hands.

“We have seen quad bikes at our local shopping centre & have reported it to the rangers service only to have the ranger service pass the buck to say ring the police & vice versa so I have given up on reporting as I get nowhere when I do report matters ... So it’s no wonder why people in Clarkson have started up a vigilante group to sort out such matters, sad but true.”

When Rangers did come riders were able to easily evade officials and without registration plates could not be identified.

“Because they have no registration plates they are almost impossible to catch or report to the police.”

Specific enforcement concerns were addressed in more detail later in the survey.

Illegal and Nuisance Behaviour

Residents, other trail users and enforcement officers all report concern and anger over illegal and nuisance behavior displayed by some trail bike riders. Whilst some recognize that this does not apply to all trail bike riders, many simply see all trail bike riders as law breakers, vandals or “hoons”.

“While some are polite others can be at best be characterised as “hoons” and travel at speed on walking tracks in a manner dangerous to pedestrian users.”

There is concern over illegal street riding, riders doing wheelies and burn outs, vandalizing facilities and signs, ripping up local ovals or sensitive bushlands. There is anger over riders being rude, arrogant and aggressive to residents and other trail users.

“Accelerating past us when out socially MTBing. Deliberately disrupting orienteering events by hiding moving checkpoints, MTB events by moving signs, riding aggressively along trails designated as “walk only”. Destroying recognised MTB trails with excessive wheel-spinning. Dangerous riding with deliberate doughnuts and burnouts next to walkers, riders, picnic-ers. Many many examples of trail bikes riding through creeks repetitively in DRA areas turning the water brown and ruining the vegetation. They have no respect whatsoever for the environment nor any other people out in the forest with excessive and dangerous group riding, spraying gravel deliberately over riders, playing “chicken” with walkers and runners.”

Some respondents showed a lack of tolerance for the activity in general and branded all trail bike riders as “hoons” and all riding as “illegal”.

In analyzing all the responses and the question asking what type of riders cause the issues – it does appear that the younger riders are less responsible and contribute disproportionately to the “hoon” behavior.

“Problem riders generally younger with no older supervision. Family groups or groups with older riders are mostly OK.”

“Range of people from young and very irresponsible who show no respect when they see others in the bush to older and more respectful riders who slow down when they see other people in the bush.”

Beach Riding

A number of respondents specifically raised issues related to trail bike and quad riders on beaches. Specific concerns included degradation of the dunes and dune vegetation and dangerous riding around other beach users. This was raised by a number of people from Geraldton, Wedge Island and Singleton Beach.

“I live in Geraldton, there are plenty of quad bikes and off-the road bikes on the beach and dunes in Sunset Beach, Drummonds and all the way to Coronation beach. I strongly believe it is a selfish hobby as for one to “have fun” whoever is around has to hear it, smell and watch it - none of those are pleasant.”

“Riding on the beach when there are a lot of children on the beach, not slowing down but I have also so had more considerate ones who slow down and share the beach without endangering anyone.”

Lack of Places to Ride

Whilst the clear majority of respondents to the survey and consultation expressed concerns with many aspects of trail bike riding – the majority also clearly understood that the root issue was a lack of legal, endorsed riding areas to cater for riders. Many, even those most annoyed by trail riders on walking and mountain bike tracks, understood that most were there because they didn’t have any alternatives.

“None really I usually find they are quite considerate of me as a horse rider. I am more concerned with the issue that places for us horse riders and trail riders are rapidly disappearing and it is going to cause people to start accessing areas they are not supposed to by cutting wire fences etc and can you blame them...?”

Rangers advised that they were concerned with fining or warning trail bike riders when they could not provide them with alternatives and places where they could ride.

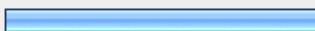
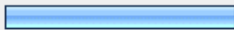
“As a local government land manager I have encountered conflict with other users of a recreational area, degradation to the environment and often frustration that there are little legal areas and facilities I can direct trail bike users to.”

“As a Ranger with the City of Rockingham I am constantly receiving complaints from residents regarding all types of off road vehicles. As the City of Rockingham does not have any off road vehicle areas, riders are utilizing our beaches and any large vacant land areas on a regular basis. Due to the expansion of housing, these areas are no longer secluded from the general public.”

ACTION UNDERTAKEN

This section of the document considers any action undertaken by respondents such as reporting incidents to the authorities and any results of such reports.

57% of respondents indicated that they had taken or requested action about their trail bike issues. This is a high percentage as it would be expected that people who had a real concern about this issue would be more likely to respond to the survey.

6. Have you taken / requested any action about these issues?			Response Percent	Response Count
Yes			57.1%	144
No			42.9%	108
			<i>answered question</i>	252
			<i>skipped question</i>	16

Respondents who reported having taken or requested action – were asked what action they had taken or requested?

What action did you take or request?		
Reported to DEC – requested patrols	Installed signage and barriers	Informed the Shire
Called the Ranger	Requested Police to catch and fine offenders	Spoken to the riders
Taken photos of riders	Asked the Shire to set up some where else for trail bikes	Complained to local MP
Letter to Community News	Local petition	Responded to this survey

Some respondents have clearly been trying to deal with the issue for some time and have reported to various authorities with multiple strategies.

“Called Police (not interested). Chased bikes in car (couldn't catch). Waved fist at riders (fingered back).”

“Have rung City of Joondalup security patrol service several times to report trail bikes in bushland on walk trails and fire access tracks and requested they come out and speak to them straight away. I know at least on one occasion they did come out straight away but don't know what happened. Have taken photos of 2 bikers on one

occasion but with helmets on and no licence plate numbers impossible to identify them. However, the action of taking their photo did scare them off from the area we were walking in. Spoke to bikers directly on one occasion and requested they keep out of the bushland and only use the public oval. Worked for about ten minutes until their parents told them to ignore me and so they went back to riding in the bushland.”

“Advised local shire, rangers and police for the last 6 years about riders in the reserve. Wrote letter to shire and even went round to neighbours on Almond Avenue, Greengage Place and Valencia lane with a petition in September 2005 because of excess noise in the Woondowing Nature reserve, local roads, equestrian centre and heritage trail. Constantly complained to Northam Shire regarding one particular neighbour who would constantly ride his bike round and round all day and also make the bike louder. Written letters to local Shire, Minister for Police and Emergency Services, Minister for Local Government & Regional Development, Minister for the Environment and more recently to the Hills Gazette. Regularly contact CALM in Mundaring on since moving here in 2001. Resorted to taking photographs of illegal riders on roads and submitted to police.”

Some respondents have indicated their concern that these issues are occurring because trail riders do not have places that are legally acceptable to ride.

“We've tried blocking their access, leaving a small gap for legitimate users of the track to get through, but the Shire (Mundaring) clears it. We've tried asking the Shire to set up a place for the riders to ride which meets their requirements. We've called the Rangers, but on weekends there's only 1 on duty for the hills area which is useless and anyway they say they can't do anything. We've pointed out to the Shire that if there's an accident between a legitimate user and a bike the Shire might be sued for not preventing the bikes access.”

“I approached one of the riders whilst he was sitting on his bike and asked him if he was aware that it was illegal to use the bridle path on a trail bike and if he knew that there was trail bike area in Gidgegannup. He was the one who informed me of the closure of the Red Hill facility. I emailed the Shire of Mundaring and let them know about the problem of noise and danger to the other users of the bridle path.”

A number of rangers and enforcement officers responded to the survey and provided details of how they deal with the issues. Most reported that they issue warnings, advised to move on, issued infringements, Patrols, educating riders, coordinated specific action involving police/ Rangers.

“As Council's Ranger I have amended Local Laws in relation to Off Road Vehicles, requiring them to be licensed if they are to be ridden on beaches etc, West of Indian Ocean Drive. Published public education articles in local papers, spoken with young people in Leeman and Green Head who have motorbikes and/or quad bikes.”

“Called on riders to stop and motioned for them to approach me. If they do advise them of the penalties applicable under the provisions of the Off Road vehicles Act including seizure of the machines and infringements. Provide them with an Off Road Vehicles brochure.”

They were then asked “What was the result of this action or request?”

What was the result of this action or request?		
No result	Warnings issued	Ranger only acts where he can
Not a priority	Limited resources	Can't catch them
Extra patrols – but not consistent	Shire spoke to the land owner – but private property	Ignored
Erection of gates and barriers	Riders moved on	Don't know

Respondents indicated that generally little was done or could be done as it was a low priority, there were not enough resources, officers couldn't attend immediately by which time the riders had moved on or if officers did arrive they often couldn't catch offenders.

“Both the council and the police seem to be saying they are incapable of controlling the problem. The rangers have little jurisdiction and by the time the police respond, the kids have disappeared. Because the bikes are not registered, it isn't even possible to note a number, as many bikers seem to remove their plates for this reason.”

“The Rangers always look into it but can only act if we are able to identify the bike, rider and / or where they live. Has happened and the Ranger has acted.”

“Nothing concrete, vague promises to “follow it up” but an impression it is not a priority.”

“DEC (CALM) staff are sympathetic to the problem but appear to have few resources or powers to be able to control the use of off road vehicles“

“All Authorities combined to arrest offenders but only in occasional blitzes and trail bike riders were warned and/or had their bikes impounded.”

“DEC on one occasion had a ranger in the area and was able to fine offenders. On some occasions trail bike riders were most apologetic and responsible once I had let them know that they were on a designated walking trail (bibb track). Other times, we have been ignored or abused.”

It also appears that authorities do not report back to the complainant to advise them of any outcomes.

“I'm not sure what happened as a result. I'm sure the police probably did something but I'm not sure what.”

Again some respondents indicated that without providing a place for trail bike riders to ride, then any solutions are unsustainable and short lived.


“Aggressive riders. Abuse. They should be at peace with rangers as we are just doing our job. If there was areas to ride then there would be no problems and we could go to these areas and have a chat and be at peace with the public majority of riders.”

“The council uses bulldozers to move rubbish in the way to prevent bike riders from getting through - this doesn't stop them for long. This is difficult to do as it keeps horse riders out too. It's a shame to stop polite bikeriders from having fun because some morons give them a bad name.”


POSSIBLE SOLUTIONS

This section of the report looks at what the general community see as the main causes of the issues, responses to possible solutions and requests of the state and local governments.

Firstly respondents were asked “What do you see as the main cause(s) of problems with trail bikes?” – respondents listed their number one cause of problems to be a lack of courtesy or respect by the riders, noisy bike exhausts and a lack of suitable places for trail riders to ride.

11. What do you see as the main cause(s) of problems with trail bikes?						
	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Response Count
Lack of parental supervision	6.3% (15)	8.4% (20)	20.1% (48)	24.7% (59)	40.6% (97)	239
Lack of courtesy or respect by the riders	5.0% (12)	5.0% (12)	8.3% (20)	22.1% (53)	59.6% (143)	240
Lack of education and information for riders	4.6% (11)	10.0% (24)	15.0% (36)	33.3% (80)	37.1% (89)	240
Lack of suitable places for trail riders to ride	4.6% (11)	5.8% (14)	13.8% (33)	23.8% (57)	52.1% (125)	240
Police / rangers not enforcing the law	9.6% (23)	10.0% (24)	15.0% (36)	23.8% (57)	41.7% (100)	240
Bike exhausts too noisy	5.0% (12)	5.4% (13)	10.0% (24)	24.2% (58)	55.4% (133)	240
Other (please specify) 						78
answered question						240
skipped question						28

Survey respondents were then provided with a number of possible solutions and asked how effective they thought they would be. Providing more designated areas for trail bike riding was seen as being the most effective solution whilst increasing fines was seen as the least effective solution.

13. How effective do you think these possible solutions would be?				
	Not effective	Not sure	Effective	Response Count
Increase fines	27.7% (65)	20.4% (48)	51.9% (122)	235
Bike confiscation	15.2% (36)	11.0% (26)	73.8% (175)	237
Provide more designated areas for trail bike riding	5.9% (14)	12.7% (30)	81.4% (192)	236
Allocate budget for shires to create facilities as they do for other recreational activities	7.1% (17)	22.7% (54)	70.2% (167)	238
Enforce registrations and licenses	13.9% (33)	12.2% (29)	73.9% (176)	238
Run an education program for trail bike riders	20.4% (48)	27.7% (65)	51.9% (122)	235
Other (please specify) 				61
answered question				238
skipped question				30

Respondents were then asked “What do you think the Shire / Council / State Government should do to resolve these issues?” The most common responses were⁸⁵:

What do you think the Shire / Council / State Government should do to resolve these issues?		
Enforce mufflers	Fines and confiscations for repeat offenders	Find suitable places for them to ride
Sort out insurance problems	Encourage riders to maintain trails	Promote responsible riding
Education for the school kids	Promote registration	More patrols in commonly used areas
Create an area to learn how to ride safely.	Better information about where to ride and where not to	Establish tracks on private land and commercial parks
Ban beach riding	More information in bike shops	Time restrictions
Mandatory registration of all bikes	Registration fees fund riding areas	Education program – trail etiquette, other users, environment

There were fundamentally two schools of thought – those who suggested more riding areas coupled with education for riders/parents/bike shops and mutual respect between trail users ... and those asking for stronger policing, increasing fines, bike confiscations and increasing regulations.

Comments from those proposing more riding areas and better education;-

“Maybe they don't know just how much damage they do - or maybe they don't care! Youngsters need somewhere and somehow to safely have fun and be fit and do on the edge things - that is what being a young bloke is about I guess, but they are making too much damage to a very fragile environment, without seeming to do anything to fix it up. Instead of fines, making them do dirt work to fix up roads would give them a better idea of consequences! “

“Educate school kids about the places that they can go and encourage them to join the motocross clubs so that they have respect for other trail users. We can all be out there but the bikes definitely need to be separated from other trail users”

“Advertise areas that are Trail Bike friendly so that everyone knows about it (ie newspaper, street directories, signs on location). So many places I see don't specify whether trail bike riding is permitted or not, which leads to confusion.”

⁸⁵ Whilst there were some extreme views including the banning of all motorbikes, destroying of bikes being ridden illegally and shooting illegal riders – they have not been included in this report as they were not representative of general opinion.

“More education (and maybe regulation) at the place of sale of bikes so that people don’t assume they have the right to ride when and where they want, better signage so bikers know where they can and can’t go, places that are set aside for them to do the fun things they want without damaging other places or placing other users in danger.”

“Set aside specific areas where riders can do their thing that are of a suitable size even if they are some distance from Perth and educate riders about other multiple usage areas. The authority’s should think about what different impacts various sports and recreational activities have on the landscape before allocating areas for different types of activities”

“Put simply to be fair to everyone. Trail bike riders do need a place to ride. However the police must monitor and ban riders from residential areas and on beaches that have signs that no trail bikes are allowed to ride there.”

... and from those asking for stronger policing, increasing fines, bike confiscations and increasing regulations;-

“Enforce the law. Perhaps introduce mandatory "registration" of unlicensed bikes, kept by and for the Ranger/Council. (Just like dog's have to be licensed.) Ensure all registered owners of trail bikes have an adult responsible for the bike/child (registered), and is provided with information about where, when and by whom the trail bike may be ridden. “

“Provide better options for bike users that meet their needs. Provide better "policing" of the track to prevent bikes using it, it's ridiculous to have fewer rangers on duty on the weekends when the problem is greater. Plus, the policy of giving a warning if they catch a rider is pointless they need to be tougher as the riders really don't care and they rarely catch them to issue a warning never mind anything else.”

“Patrol areas, increase fines, etc. Ban sale of mini-bikes, and enforce compulsory registration of all motorcycles, including those designed for off-road use.”

Some residents living near “hot spots” are clearly at their wits end with the issue (mostly due to noise)...

“Trail bike riders are the bane of our lives out here.”

“If the bikes don’t stop I will have to move”

“Please do something positive about this bothersome behaviour. It drives us to distraction.”

“I am fed up with the disruption and noise caused by the bikes NOISE NOISE NOISE and being damn outright RUDE!!!”

... whereas other trail users are more sympathetic about the access issues that recreationists in general have.

“Mountain Biking has the same problem in the fact that there is nowhere near enough legal trails and so you end up with illegal trails being built or used. The old ALCOA mine site to the east of Nettleton Road in Jarrahdale (off ALCOA road) could be developed as a large trail bike friendly area. At the same time the West of Nettleton road (including Langford park) could be reserved for mountain biking, walkers and horses. Also the Government could start to take some control from the Water Corp and change some of their outdated water catchment plans and allow the use of trails in those areas by mountain bikes and walkers. this would potentially clear other areas for trail bikes. “

“More signage is needed along the Bibbulmun Track, particularly at vehicular access cross-overs; provide information brochures to be distributed at trail bike shops and clubs; have a blitz to catch offenders so they know the matter is viewed as serious.”

“It is difficult. Walkers/MTB riders also need to be aware of where popular riding areas are. Trail bike riders need to be educated about where they can ride legally and safely without impacting on walkers. We have designated walk trails and MTB trails, why not more designated Trail Bike trails that all walkers are aware of. There is plenty of space. A bit of give and take both ways is required.”

Rangers and government officers are frustrated about the lack of resources at both local and state levels and the lack of coordination between government bodies to develop solutions.

“whilst I believe making more areas to ride is definitely effective to solving the trail bike issue in the environment, I believe it should be a coordinated approach between State and Local Government. Often there are departments and resources which are better suited to implementing this type of recreational activity, than just local government. Thank you for the opportunity to comment. It is a very big topic in the Eastern Hills and one that I hope will be lessened by the introduction of areas for trail bike users to ride within.”

“Local Shires and police do not have the staff or resources to contain this, particularly not in south west WA. More funding definitely needs to come from state level. Possible TV advertising aimed at courtesy and common sense for trail bike riders.”

CONCLUSION

This survey has generated very useful information by providing specific detail about the nature of the trail bike issues faced by the general community. The survey has articulated the range of problems for residents, other trail users, environmental groups, enforcement officers and local governments. Valuable data has been collected for the “Riding Sites Register” and a range of solutions have been explored.

This information has provided valuable input into the development of the State Trail Bike Strategy.

Importantly this survey has provided a vehicle for members of the community, frustrated with trail bike issues, to have their say and to have input into the State Trail Bike Strategy – this was acknowledged and seen as a valuable exercise by the respondents.

“I think this is a great initiative and first step to solving the problem. I'm not against trailbike riders, but I think there needs to be guidance, education, and then enforcement over a range of issues.”

“Thanks for your attention to this horrible problems.”

“Thanking you for the opportunity.”

“This activity is welcome, albeit well overdue.”

“I would like to say I was very happy to see this survey available as this has been an issue to me since I moved to this town about 11 month ago.”

“Thank you for the having a place to vent our opinion as the police, rangers and councils do not seem to want to address the problem.”

“I thank you for your interest. Maybe you can talk the Shire of Chittering into getting interested in what their rate payers are having to put up with.”

“I'm glad you're doing something about it. I hope it ends up being constructive !!”

“I wish you all the best with this important endeavour.”

“Thank you for organising this survey.”

“Thank you for this chance to vent opinion. Please solve the issue of renegade riders so the rest can enjoy their pastime with dignity and safety. We want them to enjoy their sport but the few are really getting out of hand. Thank you.”

APPENDIX 9: RIDER SURVEY



STATE TRAIL BIKE STRATEGY

TRAIL RIDER SURVEY ANALYSIS AND RESULTS

PREPARED BY: TRAIL BIKE MANAGEMENT AUSTRALIA

Version: 1.0

October, 2007

This survey was conducted as part of the research and consultation for the State Trail Bike Strategy with funding and assistance provided by:



Department of Sport and Recreation
Department of Environment and Conservation
Department for Planning and Infrastructure
Department of Local Government and Regional Development



RTRA
RECREATIONAL TRAILBIKE
RIDERS' ASSOCIATION WA



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INTRODUCTION

Recreational trail bike riding is a popular and growing activity but little is known about the demographics of riders, usage patterns or riding behaviours apart from anecdotal evidence. It has previously been estimated that possibly up to 90% of trail bike riders are not members of clubs and as such they are a difficult group to aggregate. Previously all estimates of bike use have come from the sales data for off-road vehicles.

Many previous reports from around Australia have clearly pointed to the need for quantitative data around trail bike riding.

The State Trail Bike Strategy has been undertaken to address the myriad of issues surrounding recreational trail bike riding and to propose recommendations for change that will address the needs of those involved in this issue in a manner that is socially, financially and ecologically sustainable.

This Strategy proposes a framework for planning and managing recreational trail bike riding on public and private lands and for coordinating cooperation between the relevant State Government agencies, local communities, local government and recreational trailbike riders.

As part of the research and consultation undertaken for the Strategy an online survey was conducted targeting recreational trail bike riders.

The survey was linked from the websites of the Department of Sport & Recreation, Department of Environment and Conservation, Motorcycling WA and the Recreational Trailbike Rider's Association. It was also the course of action provided to trail bike riders and the trail bike riding community as their "Have Your Say" part of the strategy consultation.

The Survey, and the overall Trail Bike Strategy project, received broad media coverage via community newspapers, online forums targeting trail bike riders, and major trail bike riding events.

On-site visits at the Lancelin Off Road Vehicle area both captured data directly via personal interviews and promoted the online survey via flyers. Flyers promoting the Strategy and Survey were also distributed at Off Road Areas including Gnangara, Pinjar and York, at events such as the Adventure Rally, Tumbulgum Natural Terrain MX and Perth Motorcycle Show.

It is important to note that with the exception of the small number of personal interviews this Survey used a self-selecting sample. Therefore those people most likely to be respondents are those with the strongest views. Accordingly caution should be exercised when drawing inferences about the *overall* trail bike riding community.

This document provides the results, findings, analysis and commentary for the Trail Bike Rider Survey.

THIS SURVEY

The Trail Bike Rider Survey was conducted as an online survey. The survey ran from May 27, 2007 until September 17, 2007. In total 1098 responses were received. Of these 54 surveys were conducted face to face at the Adventure Rally on May 27 and a further 17 responses were gathered on site at Lancelin on July 7.







THE RIDERS: DEMOGRAPHICS

This section shows the demographic breakdown of the respondents – the survey does not suggest that we have a representative sample across all recreational trail bike riders but indicates the demographics of those riders concerned about the issues surrounding their chosen pastime.

Not surprisingly 92% of respondents were male with the majority being 25-49 years of age.

What age and gender are you?		
Answer options	Male	Female
Under 15	4%	5%
15-18	12%	16%
18-24	14%	25%
25-34	25%	25%
35-49	41%	28%
50-59	6%	0%
60+	0%	0%
	92%	8%
<i>answered question</i>		943

The majority of respondents (28%) earned \$50-\$75k per year with 40% earning upwards of \$75k per year. This indicates that the older, higher income profile of the survey respondents aligns with those most concerned about the current issues surrounding trail bike riding.

28. Please indicate your annual income range:			Response Percent	Response Count
less than \$20k			13.8%	127
\$20 - \$50k			18.2%	167
\$50 - \$75k			28.3%	260
\$75 - \$100k			20.3%	187
\$100 - \$150k			13.5%	124
more than \$150k			6.0%	55
			<i>answered question</i>	920
			<i>skipped question</i>	178

30% were trades people with a further 36% in professions or management. There were a high number in mining particularly within the regional areas who ride in their time off with groups from work.

27. What best describes your occupation?			Response Percent	Response Count
Professional			20.3%	191
Management			15.4%	145
White collar / clerical			4.5%	42
Trades Person			30.0%	283
Self Employed			8.8%	83
Unemployed			1.1%	10
Student			12.5%	118
Home duties			0.9%	8
Retired			0.1%	1
view	Other (please specify)		6.5%	61
			<i>answered question</i>	942
			<i>skipped question</i>	156

Nearly 30% lived in the Southern Suburbs which would be indicative of the level of concern of riders in this area who do not have any local designated off-road vehicle areas.

26. Where do you live?			Response Percent	Response Count
Perth - Northern suburbs			22.0%	198
Perth - Southern suburbs			29.9%	269
Perth - Eastern suburbs			6.8%	61
Perth - Western suburbs			3.1%	28
Perth - Hills			14.8%	133
WA - South-west			12.7%	114
WA - Goldfields			1.2%	11
WA - Mid West			2.2%	20
WA - Kimberley			0.1%	1
view	Other (please specify)		7.2%	65
			<i>answered question</i>	900
			<i>skipped question</i>	198

THE FINDINGS

This section of the report is structured as follows:

4. **Riding profile**
Why, how often, how long for, who with, family members, club membership.
5. **Riding history**
When started, how long.
6. **The bike**
Bike details
7. **Riding locations**
Where, organised rides, road riding, commercial bike park usage, riding options.
8. **Off road vehicle areas**
Profile of those who do and don't ride in ORV areas, what they like, what they don't like, what can be improved.
9. **Issues and concerns**
Concerns, environmental impacts, enforcement.

RIDING PROFILE

This section of the report considers the profile of riding behaviours such as why and how often they ride, how long they ride, who with, whether family members also ride and their current club memberships.

Respondents were asked “What do you like about trail bike riding?”. Whilst the most used word was “**freedom**” – the following were common answers:

What do you like about trail bike riding?		
Freedom, getting away from it all, adventure, exploring	Mateship - time with friends, social aspects.	Hobby, an interest including working on the bike.
Stress relief, relaxation	Fun	Exercise & fitness
Challenge, skill improvement, test abilities	Adrenalin, excitement, thrill, speed	Enjoying the outdoors, environment, scenery
Not having to ride hard all the time like at a club	Access certain areas not accessible by motor vehicle, see Australia	Control
Getting off the beaten track - Away from traffic	Challenge of different natural obstacles	Teaching the children
Meeting new people	Quality family time	Keeps us out of trouble
Escapism	Belonging to the sub-culture	

Freedom and enjoying the outdoors were key themes which explains why the majority do not join clubs or ride circuits – they don’t want to be restricted by time or place. These reasons for recreational riding indicate why these riders don’t want to race competitively. This quote best sums up

“The feeling, the freedom, the challenge, the concentration, the stress release, the adrenalin, the endorphins, the friends, the views....the good times. (25-34 – Male)”

Only 22% of riders ever ride alone, supporting the view that many ride for the social interactions and time spent with mates and family. Over 50% of riders do so with a member of their family. 30% ride with organized groups such as the Crusty Quinns, DSMRA or informal groups facilitated via online motorcycle forums.

4. Who do you usually ride with? (check all that apply)				
			Response Percent	Response Count
Mates		83.7%	914	
Family		52.6%	574	
Whoever is out there		20.8%	227	
Organised group		29.7%	324	
Ride alone		22.1%	241	
Other (please specify)			43	
			answered question	1092
			skipped question	6

Riding with mates peaks in the 15-34 year olds whereas riding with family is high for the under 15's but also peaks again with the 35-49 year olds as they introduce their children to trail riding. The 35-59 year olds are more likely to ride with organised groups. Of some concern is that 15-18 year olds are most likely to ride alone (a practice universally recognised as dangerous).

73% of respondents have parents, children, siblings and/or partners who also ride – demonstrating the family orientation of the activity and that children are more likely to ride if other members of their family ride. Respondents who started riding under 10 years of age are much more likely to have other family members who also ride.

5. Do other members of your family ride?				
			Response Percent	Response Count
Yes - parents		21.8%	238	
Yes - children		36.7%	401	
Yes - siblings		29.2%	319	
Yes - partner		24.7%	270	
No		27.6%	301	
			answered question	1092
			skipped question	6

Respondents indicated that they ride frequently with 70% riding every week or at least a couple of times a month. Such high frequency of riding puts further pressure on the quantity of riding trails as number of ride occasions increases and riders look for diversity of riding experiences.

6. How often do you ride?			Response Percent	Response Count
A few times each week			14.9%	147
Every week			32.0%	316
A couple of times each month			38.4%	379
Once a month			8.4%	83
Every few months			4.7%	46
A couple of times each year			1.7%	17
			<i>answered question</i>	988
			<i>skipped question</i>	110

Generally speaking the younger the rider, the more often they ride. The under 18s were the most likely group to ride every week or a few times a week. The 18-24's were most likely to ride every week or a couple of times a month. 25-59's were most likely to ride a couple of times a month.

In addition to high frequency, only 16% of riding occasions are for less than half a day – with almost 50% of riders claiming to ride all day and little variation observed across age or type of bike. This indicates the amount of trail that is required given that a typical full day ride can cover 100-200km. Respondents also indicated that the time spent riding often depended on how far they had to travel to the riding area. Those that had local access rode more often, after work or school and could do so for an hour with longer rides on weekends. Those people who have to travel further ride for a whole day to make it worthwhile. Weekends and long weekends see people travel further afield to ride the whole weekend.

7. When you ride, how long would you ride for?			Response Percent	Response Count
An hour or two			15.9%	157
Half a day			47.5%	469
All day			49.3%	487
All weekend			17.4%	172
Other			2.8%	28
			If 'Other' please specify. view	37
			<i>answered question</i>	988
			<i>skipped question</i>	110

Less than 40% of respondents belong to a club, although many still report affiliations with informal/non-competitive ride groups such as Crusty Quinns, DSMRA, RTRA, Perth Off Road Forum particularly if they don't have regular riding buddies and are looking for people to ride with. The

40% club membership figure is higher than other anecdotal evidence (for example Motorcycling WA estimates that only 10-15% of riders are club members). This skew has probably resulted from the fact that the clubs actively promoted the survey to their members.

10. Do you belong to a club?			Response Percent	Response Count
Trail and Enduro			18.4%	182
Any Motocross Club			17.0%	168
None			60.8%	601
Other			9.2%	91
		If 'Other' please specify		108
		answered question		988
		skipped question		110

Club membership was highest amongst the under 15's and the over 50's – it was lowest amongst the 15-24 year olds.

Riders of unregistered bikes and quads were significantly less likely to be members of a club with only 23% of unregistered bike riders and 25% of quad riders being members of a club.

RIDING HISTORY

This section of the report considers the riding history of respondents such as when they started, how long they have ridden for and their bike details.

Over 50% of respondents had been riding for over 10 years, with 31% riding for over 20 years – this corresponds with the older skew of respondents.

1. How long have you been riding?			
		Response Percent	Response Count
Less than a year		6.3%	69
1-5 years		23.9%	261
5-10 years		18.5%	202
10-20 years		19.8%	216
More than 20 years		31.5%	344
<i>answered question</i>			1092
<i>skipped question</i>			6

The majority of respondents started riding as juniors with 78% commencing riding under the age of 18. This indicates most clearly the issue of junior riders and the pressure placed on providing legal places for juniors to ride. Given that the majority do not belong to clubs and most do not have access to private property this further exacerbates the issue of requiring trail facilities for juniors.

2. How old were you when you started riding?			
		Response Percent	Response Count
Under 10 years		30.6%	334
10-18 years		47.5%	519
Adult		21.9%	239
<i>answered question</i>			1092
<i>skipped question</i>			6

If a member of the family rides then riding is much more likely to commence at under 10 years of age – if no one in the family rides then riding is more likely to start as an adult or late teenager.

THE BIKE

This section of the report looks at the bike profile of respondents.

This question is subjectively answered by respondents in terms of how they perceive their bike – some would correctly distinguish but there could be confusion regarding categorising the import bikes and children may categorise their bike based on what they do with it.

The majority of respondents (55%) owned a trail or enduro bike, however 14% of these were not registered ie they are likely to be “fun bikes”. 40% owned a motocross bike which again demonstrates the issues surrounding legal trail riding on unregistrable bikes. 21% rode quads.

The total exceeds 100% as many respondents claimed to own two or more types of bikes.

29. What sort of bike do you ride?			Response Percent	Response Count
Road Registered trail / enduro bike			41.4%	389
Class 2 registered trail / enduro bike			3.0%	28
Unregistered trail / enduro bike			14.0%	132
Motocross bike			40.4%	380
Quad bike			21.0%	197
Other (please specify)			5.5%	52
			<i>answered question</i>	940
			<i>skipped question</i>	158

Most respondents (66%) bought their bikes from a motorcycle dealer which confirms that retailers are a useful conduit to trail bike riders. 31% purchased privately.

Did you buy your bike...	Total
From a motorcycle dealer	66%
From an importer	1%
From a retailer - eg hardware - that also sells dirt bikes	1%
Privately	31%
Other	1%

58% of respondents' current bike were purchased as new bikes.

Did you buy your bike...	Total
New	58%
Second Hand	42%

88% of respondents have had their current bikes less than 3 years with 51% having them less than 1 year – this indicates the propensity to turn bikes over fairly quickly and supports the sales data showing the dramatic increase in bike sales over the last couple of years.

32. How long ago did you buy your current bike?			Response Percent	Response Count
Less than 3 months ago			15.2%	143
3 months to 1 year ago			36.2%	340
1 year to 3 years ago			36.4%	342
3 years to 5 years ago			8.6%	81
5 years to 10 years ago			3.1%	29
Longer than 10 years ago			0.6%	6
			<i>answered question</i>	940
			<i>skipped question</i>	158

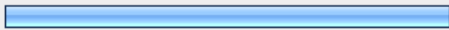




72% of respondents paid over \$5,000 for their bike and 30% paid over \$10,000 for their bike. With some families having a number of bikes it is evident that quite large amounts of discretionary income are being allocated to this activity. When the cost of the bike, frequent purchases of new bikes and all the gear and accessories are taken into account trail bike riding is not a low cost pastime.

33. Approximately how much did you pay for your last bike?			Response Percent	Response Count
Under \$1,000			1.9%	18
\$1,000- \$2,000			4.3%	40
\$2,000 - \$5,000			21.8%	205
\$5,000 - \$10,000			42.5%	399
Over \$10,000			29.7%	279
			<i>answered question</i>	940
			<i>skipped question</i>	158

RIDING LOCATIONS

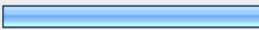
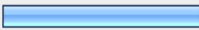




This section of the report looks at where trail riding occurs, organised rides, the quantity of sealed road riding, opinions on commercial bike park usage and their views on riding options provided.

73% of respondents use their own trailer to get to the riding area, 26% ride there. The 14% of other responses were mostly taking their bikes on the back of their utes, vans or hiring of trailers. (This adds to more than 100% as respondents indicated more than one answer).


8. How do you usually get to the riding area?			Response Percent	Response Count
My own trailer			72.8%	719
Mates trailer			17.7%	175
Ride there			25.6%	253
Other			13.8%	136
	If 'Other' please specify 			154
		<i>answered question</i>		988
		<i>skipped question</i>		110

Owners of motorcross bikes and quads were more likely to use their own trailer, owners of unregistered bikes and motorcross bikes were more likely to use their mates trailer and owners of registered bikes were more likely to ride there. Interestingly 24% of unregistered bike owners, 18% of motorcross bike owners and 15% of quad owners indicated that they on occasion rode to the riding area – which is illegal unless they are riding on their own property.


76% of respondents ride their bike less than 5% on sealed roads with 43% never riding their bikes on sealed roads – this indicates that for 94% of trail riders their bikes truly are for off (sealed) road use.

9. Roughly what percentage of riding your trail bike would be on sealed roads?			Response Percent	Response Count
None			42.9%	394
Less than 5%			32.3%	297
5-10%			11.9%	109
10-25%			7.1%	65
25-50%			3.7%	34
More than 50%			2.2%	20
		<i>answered question</i>		919
		<i>skipped question</i>		179

91% of respondents had never been on an organised trail ride demonstrating the informal nature of trail bike riding. The older the rider the more likely they are to participate in organised rides.

11. Have you ever been on an organised Trail Ride?					
	Never	Once only	Occasionally	Regularly	Response Count
Adventure Rally	82.4% (814)	7.0% (69)	6.8% (67)	3.8% (38)	988
Capel 200	92.6% (915)	3.6% (36)	2.1% (21)	1.6% (16)	988
West Coast Safaris	90.8% (897)	6.5% (64)	1.7% (17)	1.0% (10)	988
Crusty Quinns	93.6% (925)	1.6% (16)	2.9% (29)	1.8% (18)	988
DSMRA	96.0% (948)	1.0% (10)	1.0% (10)	2.0% (20)	988
Other (please specify) 					154
answered question					988
skipped question					110

The most regularly ridden locations are private farms, Lancelin off road vehicle area, motorcross tracks, south west forests and Gngangara off road vehicle area. The wide range of “other” responses and distribution across most riding areas shows that the majority of riders are simply finding their own “out of the way” places to ride across Western Australia.

12. Where do you regularly ride? (check all that apply)					
	Never	Once only	Occasionally	Regularly	Response Count
Gngangara Off Road Vehicle Area	55.7% (550)	15.0% (148)	19.6% (194)	9.7% (96)	988
Pinjar Off Road Vehicle Area	68.4% (676)	10.3% (102)	14.0% (138)	7.3% (72)	988
Lancelin Off Road Vehicle Area	43.4% (429)	10.7% (106)	24.8% (245)	21.1% (208)	988
Medina Off Road Vehicle Area	83.1% (821)	6.7% (66)	7.6% (75)	2.6% (26)	988
Private farm(s)	33.2% (328)	5.6% (55)	36.6% (362)	24.6% (243)	988
Metro Road	63.0% (622)	7.2% (71)	18.7% (185)	11.1% (110)	988
Flynn Road / Powerline	66.9% (661)	6.4% (63)	17.1% (169)	9.6% (95)	988
Barton's Mill	70.6% (697)	8.4% (83)	13.8% (136)	7.2% (71)	987
South West State Forests	54.6% (539)	7.4% (73)	21.3% (210)	16.8% (166)	988
South Coast	71.1% (702)	6.9% (68)	14.0% (138)	8.1% (80)	988
North Coast	80.5% (795)	6.0% (59)	10.3% (102)	3.2% (32)	988
Northam / York	71.3% (704)	9.5% (94)	13.6% (134)	5.7% (56)	988
Any Motocross track	54.4% (537)	8.7% (86)	23.3% (230)	13.7% (135)	988
Other (please indicate place and approximate frequency) 					197
answered question					988
skipped question					110

The table below shows trail riders by age that occasionally or regularly visit a particular area compared to the average. This shows that the under 15s are more likely to ride on private farms or motorcross tracks – interestingly they are not big users of the off road vehicle areas (many parents express concern with safety of these areas). 15-18 year olds are bigger users of the ORV areas, private farms and MX tracks. 18-24 year olds like Lancelin and MX tracks. 25-34 year olds prefer the SW forests and south coast. 35-49s like Bartons Mill. 50-59’s like Metro Rd, Flynn Rd, the SW forests and Northam/York areas.

Where do you occasionally/regularly ride?							
answer options	<15	15-18	18-24	25-34	35-49	50-59	ALL
Gnangara Off Road Vehicle Area	17%	35%	31%	29%	28%	29%	31%
Pinjar Off Road Vehicle Area	14%	23%	23%	21%	21%	21%	22%
Lancelin Off Road Vehicle Area	22%	54%	64%	49%	38%	48%	48%
Medina Off Road Vehicle Area	3%	11%	8%	13%	10%	2%	11%
Private farm(s)	64%	72%	69%	59%	57%	56%	64%
Metro Road	17%	12%	26%	32%	34%	50%	31%
Flynn Road / Powerline	17%	25%	20%	29%	28%	40%	28%
Barton's Mill	14%	11%	19%	23%	24%	17%	22%
South West State Forests	17%	26%	29%	45%	41%	54%	40%
South Coast	14%	16%	23%	26%	22%	21%	23%
North Coast	3%	14%	15%	14%	12%	21%	14%
Northam / York	11%	18%	21%	20%	19%	25%	20%
Any Motocross track	42%	48%	47%	35%	31%	25%	39%
<i>answered question</i>	36	114	137	234	373	48	942

Where do you occasionally/regularly ride?					
answer options	Road Reg	Unreg	MX	Quad	ALL
Gnangara Off Road Vehicle Area	22%	31%	34%	37%	31%
Pinjar Off Road Vehicle Area	16%	23%	24%	24%	22%
Lancelin Off Road Vehicle Area	34%	45%	54%	60%	48%
Medina Off Road Vehicle Area	10%	6%	12%	12%	11%
Private farm(s)	58%	65%	71%	64%	64%
Metro Road	45%	24%	19%	21%	31%
Flynn Road / Powerline	38%	27%	22%	18%	28%
Barton's Mill	27%	21%	16%	19%	22%
South West State Forests	58%	29%	29%	29%	40%
South Coast	30%	22%	17%	21%	23%
North Coast	14%	18%	14%	16%	14%
Northam / York	22%	11%	21%	16%	20%
Any Motocross track	27%	31%	58%	35%	39%
<i>answered question</i>	389	131	380	197	942

The previous table indicates where respondents of each bike type regularly ride compared to average. Owners of registered bikes are more likely to ride at Metro Rd, Flynn Rd, Bartons Mill, South West forests and the south coast. Unregistered bikes are fairly evenly distributed in their preferences ie they are no more likely to ride in the ORV areas than any other rider. Motorcross bike owners are more likely to ride in the ORV areas, particularly Lancelin and on private farms and motorcross tracks. Quad riders are much more likely to use the ORV areas, again particularly Lancelin.

Interesting to note is the large proportions of owners of unregistered bikes, motorcross bikes and quads who ride in areas such as the south west forests that legally requires bikes to be registered.

Respondents were most interested in a network of signed, one way forest trails, a dedicated offroad motorcycle park, then unmarked forest trails. The lack of interest in trailbikes being restricted to 4WD tracks shows that trail bike riders do not perceive trail bikes and 4WDs to be compatible, and / or 4WD tracks less satisfying to ride.

20. Please tell us what you think of the following options:						
	No interest	Would use occasionally	Would use frequently	Would use constantly	Rating Average	Response Count
A network of unmarked forest trails	8.5% (74)	28.1% (244)	39.9% (346)	23.4% (203)	2.78	867
A network of signed, one-way forest trails	6.4% (56)	20.3% (178)	38.0% (333)	35.3% (309)	3.02	876
A dedicated offroad motorcycle park	7.5% (65)	21.6% (188)	26.0% (227)	45.0% (392)	3.08	872
Trailbikes restricted to 4WD tracks	40.7% (355)	32.1% (280)	18.1% (158)	9.1% (79)	1.96	872
	<i>answered question</i>					876
	<i>skipped question</i>					222

The interest in a commercial trail bike riding farm is further shown below with 86% of respondents indicating that they would pay to ride at such a facility.

21. If there was a commercial Trail Biking Riding area/farm/ranch that cost \$25 per day per rider – would you go?			
		Response Percent	Response Count
Yes - occasionally		35.4%	334
Yes - regularly		24.8%	234
Yes - frequently		25.7%	243
No		14.2%	134
	<i>answered question</i>		944
	<i>skipped question</i>		154

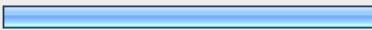
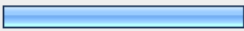
Respondents indicated that such a facility would most need to have long flowing trails (indicative of general trail riding requirements), with separate areas for kids and a focus on safety. Riders also wanted hills and technical challenges indicating the type of terrain needed.

22. What would you want such a park to have?			Response Percent	Response Count
Accommodation			42.2%	398
MX tracks			69.0%	651
Freestyle areas			46.9%	443
Picnic areas			71.5%	675
Safety			79.8%	753
Tight single trail			63.6%	600
Long flowing trails			82.5%	779
Hills and technical challenges			78.5%	741
Separate areas for kids			79.7%	752
Other (please specify)				207
			<i>answered question</i>	944
			<i>skipped question</i>	154

OFF ROAD VEHICLE AREAS

This section of the report profiles those who do and don't ride in the designated ORV areas, what they like, what they don't like and what can be improved.

60% of respondents had ridden in the designated off road vehicle areas of Gngara, Pinjar or Lancelin.

13. Do you ever ride in the designated ORV (Off Road Vehicle) Areas at Gngara, Pinjar or Lancelin ?				
			Response Percent	Response Count
Yes			60.7%	600
No			39.3%	388
			<i>answered question</i>	988
			<i>skipped question</i>	110

Lancelin was the most popular and was visited most frequently, followed by Gngara, Pinjar and then Medina. Medina was temporarily closed in July 2006 and interviews show that many riders are not aware of Pinjar as an off road vehicle area. The higher response for Lancelin may be skewed by the survey period occurring at the time that the Shire of Gingin was requesting temporary closure of the area – prompting a protest response with the survey.

Where do you regularly ride? (check all that apply)				
answer options	Never	Once only	Occasionally	Regularly
Gngara Off Road Vehicle Area	56%	15%	20%	10%
Pinjar Off Road Vehicle Area	68%	10%	14%	7%
Lancelin Off Road Vehicle Area	43%	11%	25%	21%
Medina Off Road Vehicle Area	83%	7%	8%	3%

15-24 year olds were most likely to be regular riders at the ORV areas – this may be because they have a car license to be able to drive there but may not have registered bikes. It is felt that younger riders are less likely to ride there because their parents do not like the riding at the ORV areas or consider them unsafe for younger riders.

Where do you occasionally/regularly ride?							
answer options	<15	15-18	18-24	25-34	35-49	50-59	ALL
Gngara Off Road Vehicle Area	17%	35%	31%	29%	28%	29%	31%
Pinjar Off Road Vehicle Area	14%	23%	23%	21%	21%	21%	22%
Lancelin Off Road Vehicle Area	22%	54%	64%	49%	38%	48%	48%
Medina Off Road Vehicle Area	3%	11%	8%	13%	10%	2%	11%

Quad riders were most likely to be regular riders at all 4 ORV areas.

Where do you occasionally/regularly ride?					
answer options	Road Reg	Unreg	MX	Quad	ALL
Gnangara Off Road Vehicle Area	22%	31%	34%	37%	31%
Pinjar Off Road Vehicle Area	16%	23%	24%	24%	22%
Lancelin Off Road Vehicle Area	34%	45%	54%	60%	48%
Medina Off Road Vehicle Area	10%	6%	12%	12%	11%

Respondents that indicated they had ridden in an ORV area – were asked “What do you like about riding in the designated ORV areas?”. The most common response was simply that they only rode there because it was legal. Apart from the uniqueness of the Lancelin dunes for those that like jumps and sand, there was nothing specific about the ORV areas that attracted riders. Because it was legal the riders could relax and ride without fear of hassles. However the majority of riders still did not enjoy riding in the ORV areas.

The answers below were the most common responses:

What do you like about riding in the designated ORV areas?		
Legal place to ride – can relax.	No fear of fines, trouble, hassle or rangers – accepted.	Sand dunes (Lancelin)
Not much, very little, nothing – ride there because I have to	close, convenient,	socialising with other riders
a place to ride	Doesn't hassle others	Safe with others around
Good terrain and trails	Good jumps - Lancelin	fun

This quote is representative of the general feeling:

“The only good part with riding in a ORV area is that it's not against the law.”

Generally Lancelin riders were much more positive about the area than Gnangara (mostly deemed unsafe because of the rubbish).

“I love the Lancelin dunes open area with many people it's great.. the Gnangara pines are not very well maintained so we don't venture there much at all.”

Respondents were then asked “What could be improved about the designated ORV areas?”. Overall the biggest response was for more and bigger ORV areas and improved safety. The most common responses were:

What could be improved about the designated ORV areas?		
Clean up the rubbish – Gngangara – litter bins	Track maintenance	Larger areas needed
More areas needed to reduce crowds	No 4WDs or cars	Split up the different activities – 4x4s, quads, dune buggies.
Better management and organization	Location – closer to home	Better signage for track directions and riding rules
More challenging terrain, jumps	Designed tracks, circuits – one way trails, no cross over tracks	Better picnic, BBQ, camping and unloading facilities
Maps showing where to ride	Toilets	Police unsafe riders, dropping rubbish, bad behaviour
Charge an entrance fee	Separate learners and experienced riders	Have a long distance track not just areas eg Bibblemun
Provide more information about them	Hold family events there	Stop closing them down
Maintain the access roads – remove pot holes	Speed restrictions in car parking areas and access roads	More interesting terrain through state forests.

“Make them bigger. use areas of bush. Sign post tracks in one direction to reduce crashes. people who litter get banned. Maybe toilets and bbq areas. There are too many people for too little area! (25-34 – Male)”

In general respondents were asking for the off road vehicle areas to be properly managed, designed and maintained like other sports facilities.

The 30% of respondents who do not ride in the off-road vehicle areas were asked why not. Many were unaware of the existence of the ORV areas, for most they were too crowded and too far away (particularly for regional respondents) and they were generally perceived as attracting “hoon” riders.

Why don't you ride in these designated ORV areas?		
Too small	Too many people	Too far away
None in rural areas	Didn't know they existed, don't know where they are	Too dangerous
Not managed or controlled	Too much rubbish, not nice places	Boring terrain
Tracks too sandy, boggy	Tracks unmaintained and whooped out	Have a registered bike – don't need to go there
"Idiot" riders – attract hoons	Don't like riding with 4x4s around	Want to explore new terrain, not ride in circles
Not suitable for children		


ISSUES AND CONCERNS

This section explores the concerns and opinions of the riders and their perception of environmental impacts and enforcement.

All respondents were asked to rate their biggest concerns about trail bike riding – these were:

1. Lack of designated areas
2. Trails being closed
3. Safety
4. Irresponsible riders
5. The poor quality of designated ORV areas
6. Lack of facilities for kids
7. Lack of facilities at ORV areas
8. Conflict between track users
9. Risk of being fined

Concerns about Trail Riding –All Riders

17. What are your biggest concerns about trail bike riding? - All Riders					
	No concern	Some concern	Major concern	Rating Average	Response Count
Environmental impact	23.5% (224)	56.6% (539)	19.9% (189)	1.96	952
Noisy bikes annoying residents	27.1% (258)	47.0% (447)	25.9% (247)	1.99	952
Safety	10.6% (101)	27.4% (261)	62.0% (590)	2.51	952
Lack of designated areas	4.1% (39)	11.7% (111)	84.2% (802)	2.80	952
Lack of facilities at ORV areas	22.4% (213)	27.9% (266)	49.7% (473)	2.27	952
Lack of facilities for kids	19.5% (186)	29.7% (283)	50.7% (483)	2.31	952
Tracks not properly maintained	27.7% (264)	37.1% (353)	35.2% (335)	2.07	952
Trails being closed	9.1% (87)	14.9% (142)	75.9% (723)	2.57	952
Bike registration	41.3% (393)	37.9% (361)	20.8% (198)	1.80	952
Irresponsible riders	10.2% (97)	28.3% (269)	61.6% (586)	2.51	952
Conflict between track users - eg cycles, horses	19.0% (181)	44.1% (420)	36.9% (351)	2.18	952
Risk of being fined	28.3% (260)	30.6% (281)	41.1% (377)	2.13	918
Poor quality of designated ORV areas	15.7% (149)	30.7% (292)	53.7% (511)	2.38	952
			Other (please specify) 		110
				<i>answered question</i>	952
				<i>skipped question</i>	146

In contrast the issues specifically for people who ride a registered bike are:

1. Lack of designated areas
2. Trails being closed
3. Irresponsible riders
4. Safety
5. The poor quality of designated ORV areas
6. Lack of facilities for kids
7. Conflict between track users
8. Noisy bikes annoying residents
9. Environmental impact

Concerns about Trail Riding – Riders of Registered Bikes

17. What are your biggest concerns about trail bike riding?					
	No concern	Some concern	Major concern	Rating Average	Response Count
Environmental impact	18.8% (73)	55.5% (216)	25.7% (100)	2.07	389
Noisy bikes annoying residents	19.0% (74)	41.4% (161)	39.6% (154)	2.21	389
Safety	11.6% (45)	23.4% (91)	65.0% (253)	2.53	389
Lack of designated areas	4.4% (17)	16.2% (63)	79.4% (309)	2.75	389
Lack of facilities at ORV areas	32.4% (126)	30.1% (117)	37.5% (146)	2.05	389
Lack of facilities for kids	21.9% (85)	31.4% (122)	46.8% (182)	2.25	389
Tracks not properly maintained	35.5% (138)	34.4% (134)	30.1% (117)	1.95	389
Trails being closed	11.1% (43)	13.4% (52)	75.6% (294)	2.65	389
Bike registration	42.4% (165)	35.0% (136)	22.6% (88)	1.80	389
Irresponsible riders	11.6% (45)	17.5% (68)	71.0% (276)	2.59	389
Conflict between track users - eg cycles, horses	15.7% (61)	45.8% (178)	38.6% (150)	2.23	389
Risk of being fined	35.3% (133)	33.4% (126)	31.3% (118)	1.96	377
Poor quality of designated ORV areas	20.1% (78)	29.0% (113)	50.9% (198)	2.31	389
Other (please specify)				view	53
<i>answered question</i>					389

Respondents were asked “What effect, if any, do you think trail bike riding has on the land, the environment?”. In general respondents felt that irresponsible behaviour such as leaving rubbish or riding off track would cause damage, but that staying on track caused little damage. The majority

felt that trail bikes did less damage than 4x4s or land development and clearly were aggravated that trail bikes were seen as environmentally damaging.

Common responses were:

What effect, if any, do you think trail bike riding has on the land, the environment?		
Little if you stick to the tracks	Not as much as 4x4s	Not as much as bulldozers & suburban sprawl
minimal if ridden responsibly	Can cause erosion if over-ridden	Can spread diseases
Noise	Cutting new tracks	Little if tracks properly maintained
Creates ruts	Produce pollution	Leaving rubbish behind
Not as much as DEC logging	Helps keep tracks and firebreaks clear	Irresponsible riding can destroy re-vegetation
Can destroy dune structure		

“I believe that dirt bikes have a minimal impact on the land, although it has a lot to do with way a bike is ridden in the bush, dunes and on the beach.. You can go for a ride without cutting up the place. Rider responsibility plays a big part in not damaging the land.”

Another concern of riders is enforcement. 44% of respondents have been stopped by a ranger or fined.

19. Have you even been stopped by rangers or fined?				
			Response Percent	Response Count
Yes			43.9%	418
No			56.1%	534
If yes, what was your reaction to that?			 view	425
			<i>answered question</i>	952
			<i>skipped question</i>	146

In general the response of people stopped by rangers is frustration at not being told where they can and can't ride but just being moved on. Most understood that the rangers were simply doing their jobs but felt they should be provided with more information. Some respondents were concerned that they didn't even realize they were in the wrong until stopped. The anger is directed at the lack of riding areas available.

“Angry that there is nowhere to take the family out to enjoy a weekend without the fear of prosecution”

Respondents on registered bikes are more tolerant of enforcement, they have less concerns and in some cases welcome the policing to ensure that riders are doing the right thing. Younger respondents on unregistered bikes were more likely to try to evade the rangers.

“(I) took off! I've heard of people getting massive fines, so I wasn't going to find out whether those stories were true”

Finally respondents were asked “What could the shire / council / state government do for you as a rider?”. The most frequent responses were:

What could the shire / council / state government do for you as a rider?		
Keep the ORV areas open	Open more state forest	Ban noisy exhausts
Trail riders are uncatered for rate payers	Provide more information about where to ride - maps	Be more supportive, encouraging
Allow us to ride	Open areas in regional areas	Open more trail routes
Take an interest in the activity – understand it	Educate riders on responsible riding	Clean up the ORV areas – improve safety
designate more off road areas	Create a junior license and provide more areas for kids	dont make riders feel guilty for wanting to ride
Fine people who misuse the area	Support the development of trail riding parks	Put our rego fees back into the sport
Openly promote more available areas	Designate trails not just areas	Recognise us as a serious sporting/recreational group
Develop an Off Road Training ground	Make a Bibblmun style track for trail bikes.	Re-open the Kwinana off road park
Keep Lancelin open	a dedicated area in the southern suburbs	a designated hills trail bike trail
educate residents on correct Trailbike use	give trail riders more respect we are not all bad	Sort out the liability issue so Councils stop closing areas
Metro area riding spots to reduce travel	open up enough tracks for environmental impact to be minimal	Make the bike retailers tell you the truth before selling you the bike
Focus on illegal sealed road riding	Proper study on real effects of trail riding on water catchment	Fine the rednecks ease off on the responsible riders

Not surprisingly the key theme was for more and legal areas to ride, a focus on junior and family riding, for better distribution of areas and to improve (not close) the current ORV areas. However there was also a very strong theme of asking the government and the community to accept trail bike riding as a legitimate activity and to be more supportive of trail riders – there is certainly a feeling of persecution. In turn the riders want authorities to clamp down on the “ratbag element” that they see as “giving everyone a bad name”.

CONCLUSION

There was a very good response to the Trail Bike Rider Survey with 1098 responses received. Many of the responses were detailed, considered and thoughtful and demonstrated a strong concern and opinion regarding the state of recreational trailbike riding in WA today.

Whilst the survey cannot claim to be fully representative of all trail bike riders – given that respondents were self selecting – there was a wide range of demographic and psychographic data. Clearly trail bike riders are a heterogeneous group.

The survey has provided valuable data in understanding the reasons why people ride trail bikes, their riding behavior, where they ride and why and their opinions of the current off road vehicle areas. Important information is now available on the key issues and concerns of riders and what they are asking the government and local shires to do about these issues.

This information has provided valuable input into the development of the State Trail Bike Strategy.

Importantly this survey has provided a vehicle for members of the trail bike riding community, frustrated with trail bike issues, to have their say and to have input into the State Trail Bike Strategy – this was acknowledged and seen as a valuable exercise by the respondents.

“Surely this sport provides a great outlet for young people to be out and about doing something physical and active rather than sitting at home playing computer games. There should be more of this kind of activity being supported and promoted. Thanks for the opportunity to voice our opinions as riders.”

“Thank you for listening to us riders.”

“Thank you for having this survey, at least I feel like something is beginning to happen for the riders in WA and for the safety of the whole community.”

“Thank you for letting me have my say!”
