



## Minister for Local Government; Community Services; Seniors and Volunteering; Youth

Our Ref: 57-00701

TO ALL LOCAL GOVERNMENTS

CIRCULAR N<sup>o</sup> 02-2017

In light of recent off-road vehicle incidents across the State, local governments are reminded of the options available for controlling off-road vehicle use in the community.

The *Control of Vehicles (Off-road Areas) Act 1978* (the Act) currently only operates in certain areas of the State, meaning that the provisions of the Act can only be enforced in these areas. It also means that 'Permitted Areas', established under the Act, cannot be established until such time as the Act covers the relevant area.

This significantly limits the options available to local governments for controlling off-road vehicle use. Other legislation must be relied on such as:

- local laws;
- the *Conservation Land Management Act 1984* and Regulations 2002;
- the *Land Administration Act 1997*;
- the *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and By-laws 1981;
- the *Road Traffic Act 1974* and subsidiary legislation; and
- the *Motor Vehicle (Third Party Insurance) Act 1943* and Regulations 2009.

However, the Act provides the Governor with the authority to extend the operation of the Act to particular areas or an entire local government district. Local governments are encouraged to consider this option.

Extending the area of operation to cover your district has a number of potential benefits including:

- greater deterrent measures to combat anti-social and illegal rider behaviours;
- compulsory registration of off-road vehicles and easier user identification;
- the ability to establish a Permitted Area for off-road vehicles that is in an appropriate and safe location for users to ride; and
- the ability to establish a Prohibited Area to prevent **all** vehicles from accessing an area for public interest reasons, such as environmental preservation.

The attached page outlines where the Act currently operates. More information on the current Permitted Areas and Prohibited Areas can be found on my Department of Local Government and Communities' website at [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au).

For further information, including the process to extend the operation of the Act, please contact Mr Troy Hancock, Senior Legislation Officer at my Department, on 6552 1624 or via email at [troy.hancock@dlgc.wa.gov.au](mailto:troy.hancock@dlgc.wa.gov.au).



HON PAUL MILES MLA  
**MINISTER FOR LOCAL GOVERNMENT; COMMUNITY SERVICES;  
SENIORS AND VOLUNTEERING; YOUTH**

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## Where the *Control of Vehicles (Off-road Areas) Act 1978* currently operates in Western Australia

The Governor of Western Australia has, through section 4, the power to proclaim that the *Control of Vehicles (Off-road Areas) Act 1978* (the Act) does not operate in certain parts of the State.

When the Act was proclaimed in 1978, the Governor used this power to exclude all parts of the State from the operation of the Act (5 October 1979) except:

- the Perth Metropolitan area;
- the Cities of Bunbury, Greater Geraldton and Mandurah;
- Albany;
- the Shires of Narrogin, Northam and Gingin;
- the land on the seawards side of the Old Coast Road and the Bussell Highway from the southern boundary of the City of Mandurah to Augusta in the Shire of Augusta-Margaret River;
- the townsites of Coolgardie and Kambalda in the Shire of Coolgardie; and
- national parks and nature reserves.

Since the initial proclamation of the area of operation, the additional areas included are:

- a portion of the Shire of Dandaragan including the townsites of Cervantes and Jurien;
- a portion of the Shire of Carnarvon involving an area between the North West Coastal Highway and Minilya/Exmouth Road and the coast;
- the townsites of Onslow, Tom Price and Paraburdoo in the Shire of Ashburton;
- the townsite of Roebourne in the City of Karratha;
- the townsite of Newman in the Shire of East Pilbara;
- a portion of the Shire of Greenough;
- the townsite of Harvey and abutting land;
- the land seaward side of South Coast Highway in the City of Albany;
- the Boyanup and Southern Cross townsites and abutting land;
- the Boulder, Kalgoorlie and Port Hedland townsites;
- Wedge Island in the Shire of Gingin (Reserve No 43283);
- Mundaring Weir Catchment Area and the Shire of York; and
- South Dandalup Pipehead Dam Catchment Area.

Section 5(4) specifically states that the Act operates to the low water mark.