



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

PROOF

ADJOURNMENT

Recreational Vehicles

SPEECH

Wednesday, 2 March 2016

BY AUTHORITY OF THE SENATE

SPEECH

<p>Date Wednesday, 2 March 2016 Page 107 Questioner Speaker Muir, Sen Ricky</p>	<p>Source Senate Proof Yes Responder Question No.</p>
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Senator MUIR (Victoria) (19:39): I rise to make a short statement in relation to the use of vehicles for recreational and sporting purposes. The restrictions around recreational vehicle use is an issue constantly brought to my attention by not only my Victorian constituency but also the Motoring Enthusiast constituency across Australia. In accordance with the Victorian Road Safety Act 1986, a 'vehicle' means:

... a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes bicycle or other pedal-powered vehicle, trailer, tram-car and air-cushion vehicle but does not include railway locomotive or railway rolling stock ...

From this very broad definition, a vehicle can then be interpreted to include motor vehicles, bicycles, skateboards, scooters, motorcycles, go-karts, billycars, quad bikes, tractors and even ride-on lawn mowers.

The popularity of recreational vehicles for outdoor enjoyment continues to soar, with many law-abiding individuals taking their pursuits to public areas that are gazetted for this very purpose. The benefits of this not only contribute to happy and healthy citizens but aid to boost the local economy, particularly in regional areas. As the push for regional growth intensifies, there have been suggestions that Victoria's main regional cities could actually surpass the growth rates of their metropolitan counterparts. Between 2010 and 2011, over 135,000 people left a capital city in Australia to move interstate or into a regional area. Of these, 30,576 moved from Melbourne to regional Victoria.

So how does this shift relate to recreational vehicles and outdoor activities? It is simple. Some people are choosing to move from metropolitan to regional cities where such factors as lifestyle, affordability and quality of life become top priority. 'Tree changers', as they are most commonly being referred to, are the many families and individuals who have escaped the rat race and embarked on lifestyle changes to wider open spaces where they can secure a relaxed and less complicated lifestyle. For many, this has meant acquiring a dream home on a large rural acreage where outdoor recreational activities can be enjoyed right on their doorstep on their privately owned land.

Recently, I was particularly concerned to learn that local laws may be amended to restrict the use of recreational vehicles and vehicle tracks on private property. A proposed local law amendment relating to my electorate states that:

94.1 A person must not without a permit use a vehicle for recreation or sporting purposes on any private land within the municipal district.

94.2 A person must not without a permit construct, maintain or use a recreational vehicle track, circuit or course on any private land within the municipal district.

A resultant 'failure to comply' with the proposed local law carries a penalty of 10 penalty units, which is currently about \$1,500. The consequences of such proposed amendments would restrict a person's ability to pursue the enjoyment of their recreational vehicles on their own land. With the restrictions imposed on taking such pursuits to public land and spaces, the measures greatly impact on a person's ability to use their vehicle for recreational purposes at all. This is of grave concern to me as a representative of the Australian Motoring Enthusiast Party. If an individual council can create a local law which supersedes a law of a state jurisdiction, it could potentially establish the very dangerous precedent of other councils following suit. This needs to be addressed for not only individuals who enjoy their lifestyle but, just as importantly, those who also wish to enjoy their lifestyle with their children, who will be left with no legal option in this pursuit.

Taking dirt-bike riding as an example, a person operating a recreational motorcycle must be at least 18 years of age and hold an appropriate motorcycle learner permit or licence. For riders unable to meet the eligibility criteria for registration and licensing, the only legal alternative for riding in Victoria is riding on private land. This is completely inconsistent with any other restriction we impose on junior involvement in recreational activities

within my electorate of Victoria. In an extremely positive contrast to that, we allow juniors to obtain a firearm licence in Victoria when they are aged between 12 and 17, with appropriate restrictions applicable. There are restrictions to the type of firearm that can be used by a junior. There are limits to the situation in which they can carry said firearm. They must be under the strict supervision of an adult who has a current full licence. A junior licence holder cannot own or store firearms but their parents can apply for a firearm licence to own and store firearms on their child's behalf, providing the parent is also a licenced firearm holder.

In a similar scope, if you are aged between 12 and 16 you can apply for a restricted marine licence and a restricted personal watercraft endorsement. Yet again, there are simply restrictions applied to the holder of a restricted marine licence. The holder of a restricted marine licence cannot be the master of a registered recreational vessel or a regulated hire-and-drive vessel while the vessel is operating between sunset and sunrise, operating at a speed of 10 knots or more or towing a person, another vessel or an object. Once you reach the age of 16, the mentioned restrictions will be automatically removed.

I understand that licensing and enforcement are currently under state jurisdiction, which is an issue unto itself. When traveling interstate we are suddenly expected to be aware of inconsistent road rules, road signs and restrictions established in that state, which are enforceable by law whether we are aware of them or not. There needs to be consistency in regulations and consequences nationwide.

In the final report tabled by the Senate inquiry into the future of Australia's automotive industry on 1 December 2015, which I was a participating member of, recommendation 20 said:

The committee recommends that the government, through COAG, pursue reform options to harmonise vehicle modification regulations and adopt a consistent national approach to compliance and enforcement with vehicle regulations. A critical part of this work will be the harmonisation of emerging federal, state and territory legislation and regulations designed to deal with the arrival of autonomous vehicles and driving systems.

Should the government choose to adopt this recommendation at any stage in the future, it gives the opportunity to consider adaptation across a broader spectrum of inconsistencies. Excluding competition events, there are currently no legal riding opportunities available to unregistered bikes and quads apart from a select few in Western Australia. Western Australia is the only state in Australia that allows unlicensed riders and non-road-registered bikes to ride in specifically designated legal off-road-vehicle areas, of which there are currently five in the state. Keep in mind that any minor under the age of 18 cannot be a legally licensed rider, nor can their motorbike be registered. So in saying that, Western Australia is the only state in Australia which offers a public off-road-vehicle area for children to ride their motorbike with a supervising adult.

The recreational use of a vehicle is far from the public perception of antisocial behaviour. To some it is about the challenge of handling the bike over varying terrain. To others it is about experiencing the outdoors and seeing the country in a unique way. For many it is about the adrenalin and mateship, and for some families it is about spending time together engaged in an activity that the whole family can enjoy. There is always a strong focus on enforcement against antisocial behaviour.

The problem with enforcement is that the law has to be broken for it to be enforced in the first place. By not providing a legal venue and access for people to enjoy their chosen lifestyle or hobby, especially minors, who as I mentioned cannot be licensed or have a registration under the current law, you unintentionally make criminals of otherwise law-abiding individuals just wanting to enjoy themselves in the right environment.

I have been in contact with a Victorian constituent who has a trail bike tour business. It would be beneficial for his tours as well as for the local economy in East Gippsland if there was legal access to some of the single trail tracks which already exist in this area. With increased legal use of these tracks, local accommodation and hospitality would benefit as recreational tourism increases. Furthermore, these tracks are already being used, regardless of it being illegal. By changing the focus from prosecution and aiming to legalise these existing tracks, we can create economic stimulus in areas where it is desperately needed. If made legal, the tracks can become regulated and maintained by those who wish to see them stay open.

We need to move away from the nanny state at all levels of government and respect existence. As a Victorian resident, my children, who are aged 17, 11, 10, six and three, are not able to have motorcycle licences, nor are they able to register their motorbikes. If we did not have access to private property they would not even be able to enjoy riding their motorbikes as a family.

In their leisure time my children are not destroying property. They are taught appreciation of the environment they are riding in, consideration of others and respect for the vehicle they are in control of. It is a physical outdoor activity which is exhilarating and challenging and delivers social, economic and health benefits.

And with states like Western Australia leading the way I believe that there is a model we can utilise as a guide for further development to benefit not just motoring enthusiasts but all Australian motorists.